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**OPINIONS AND DECLARATIONS  
RENDERED BY THE INTER-  
NATIONAL COMMISSION ON  
ZOOLOGICAL NOMENCLATURE**

**VOLUME 1, SECTION A**

*Edited by*

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**Secretary to the International Commission on Zoological Nomenclature**

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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION OF THE COMMISSION AT THE TIME OF THE ADOPTION OF "OPINIONS" 1—5

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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION OF THE COMMISSION AT THE TIME OF THE ADOPTION OF "OPINIONS" 6-16

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## FOREWORD

When in 1939 it became necessary for the International Commission on Zoological Nomenclature to assume direct responsibility for the publication of *Opinions* rendered by it, it was decided to establish a work entitled *Opinions rendered by the International Commission on Zoological Nomenclature* for this purpose. In order both to expedite the publication of *Opinions* and at the same time to charge prices which would make it possible for any interested zoologist to buy *Opinions* dealing with his speciality, it was decided that each *Opinion* should be published as a separate unit. In order however to make possible the provision of subject indexes for successive groups of *Opinions* and to facilitate the binding-up of *Opinions* into volumes, it was decided that *Opinions* should be given continuous pagination until a sufficient number had been published to justify a start being made on a new volume.

2. At the time when the foregoing decisions were taken, careful consideration was given also to the problem presented by the fact that many of the earlier *Opinions*, all of which had been most generously published by the Smithsonian Institution, Washington, D.C., on behalf of the Commission, were out of print and unobtainable. That this should be so represented a serious obstacle to the work of the Commission, the value of which depends very largely upon the continued availability of supplies of its publications. In 1939 it was accordingly decided in principle that arrangements should be made for the publication of a fresh edition of *Opinions* 1—133 as soon as financial circumstances permitted and that, in these circumstances, volume 1 of the work *Opinions rendered by the International Commission on Zoological Nomenclature* which it was then decided to establish should be reserved for the re-issue of the foregoing *Opinions*. At the same time it was decided therefore that the *Opinions* embodying decisions on individual cases taken by the Commission at its Session held at Lisbon in 1935 should be published as Parts of volume 2 of the newly established series (1943, *Bull. zool. Nomencl.* 1 : 74). The first of the *Opinions* so published—*Opinion* 134—appeared in August 1939. In this and in a number of succeeding *Opinions* a notice was inserted. .see 1939, *Ops. int.*

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*Comm. zool. Nomencl.* 2 : 2—explaining why it was that the publication of volume 2 had been commenced before any portion of volume 1 had appeared.

3. Early in 1943 a complete search of the records of the meetings of the International Commission on Zoological Nomenclature held during successive International Congresses of Zoology was made in the Offices of the Commission for the purpose of making sure that there were no decisions noted in these records which called for action which had not yet been taken. This survey brought to light nine Resolutions of a general character which had been adopted by the Commission at various meetings. All except two of these (namely, the Resolutions relating respectively to the establishment of the Code of Ethics and the grant of Plenary Powers to the Commission) had been almost completely lost sight of by reason of their not having been placed on record in some formal fashion. At that time also there were three similar Resolutions adopted by the Commission at its Session held at Lisbon in 1935 which were awaiting promulgation. It was considered by the Executive Committee of the Commission that Resolutions of this kind could not appropriately be included in the "Opinions" Series and it was accordingly decided to establish for these documents a new Series to be styled the "Declarations" Series. In consequence, the title of the work in which the Lisbon *Opinions* were then in process of being published was adjusted by the insertion of the words "and Declarations" in its title which thus became *Opinions and Declarations rendered by the International Commission on Zoological Nomenclature*. It was decided further that in future *Declarations* should be published in the same volume as *Opinions* rendered at the same date but that, in order to permit of such *Declarations* being grouped together when the volume concerned came to be bound, they should be assigned a separate pagination. As regards the nine Resolutions which had been brought to light by the survey then just completed, it was decided that, as these had all been adopted during the period covered by the publication of *Opinions* 1—133, the *Declarations* in which they were to be embodied should be included in volume 1 of the *Opinions* Series which, as has already been explained, had been reserved for the re-publication of the pre-Lisbon *Opinions*, but of which at that time no portion had been issued. The *Declarations* (*Declarations*

1—9) embodying these Resolutions accordingly became the first nine Parts of that volume. The first of these *Declarations* was published on 26th October 1943 and the last (*Declaration 9*) on 24th May 1944.

4. The decision in 1943 to make an immediate start with the publication of volume 1 of the *Opinions* Series in order to make possible the publication of *Declarations* 1—9 led to a re-examination of the problems involved in the re-publication of *Opinions* 1—133 and it was then decided that work on this project should be started without further delay. It was soon seen however that subsequent action in regard to the *Règles* taken by successive International Congresses of Zoology had affected the validity of a number of the older interpretative *Opinions*. For this and other reasons it was considered that the re-issue of these *Opinions* without comment would be misleading and that, in order to render that re-issue of value, explanatory notes drawing attention to later developments were required. In the war conditions then obtaining it was not possible however to submit such explanatory notes to the whole membership of the Commission. It was accordingly decided that these notes should be prepared by myself as Secretary, that the drafts so prepared should be agreed between the President (Dr. Karl Jordan) and myself before publication, that, when published, these notes should be clearly marked as being no more than "Editorial Notes" by myself, and that as soon as possible after the close of the war, these Notes should be submitted to the membership of the Commission for the purpose of seeking Rulings from the Commission as a body on any issues raised in those Notes which called for such action. As soon as decisions had been reached on these preliminary procedural matters, it was not long before the first instalment of the old *Opinions* with the associated Editorial Notes was sent to the printers. *Opinion* 1, which became Part 10 of volume 1 of the "Opinions and Declarations" Series, was published on 12th July 1944. Publication of this volume was unfortunately retarded by difficulties arising out of paper rationing, shortage of labour at the printing works and other wartime restrictions. Eventually however by the end of February 1947 re-issues of sixteen of the old *Opinions* had been published, thus bringing up to twenty-five the number of Parts published in this volume. Thereafter, fresh difficulties arising out of the need for finding a new printer

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made it impossible to arrange for the publication of further instalments before the opening in July 1948 of the Session of the Commission held in Paris during the Thirteenth International Congress of Zoology.

5. In the meantime an important change had been made in the administrative arrangements of the Commission. On the transfer of the Secretariat of the Commission from Washington to London, consequent upon my election as Secretary in succession to the late Dr. C. W. Stiles, the Commission possessed no funds or physical assets of any kind. In this respect however a great change occurred in 1939 and following years when funds were collected, office equipment was purchased, the publication of *Opinions* and of the *Bulletin of Zoological Nomenclature* was begun and stocks of back publications began to accumulate. It was evident that it was most undesirable that this property should continue to be held by an unincorporated body such as the International Commission on Zoological Nomenclature which, possessing no juridical existence, could neither sue nor be sued and was not in a position legally to make contracts for the printing of its publications or for any other purposes. The risks attaching to this state of affairs were naturally greatly increased in time of war, for, if the Secretary had been killed in an air-raid, the Commission would inevitably have experienced considerable difficulty in satisfying the bank in which its funds were held that his successor had been duly authorised to draw on its account. Moreover, the fact that the funds held in the name of the Commission were not at that time subject to a legal trust would have caused great difficulties if at any time—as might well have happened—the British taxation authorities had claimed that profits made in any given year were liable to taxation. Accordingly, during the war I, as Secretary, wrote to all those members of the Commission with whom postal communications were then possible, explaining the position and asking for their approval for the establishment in the United Kingdom of a corporation to which all the assets of the Commission could be transferred and by which responsibility could be undertaken for all the liabilities hitherto incurred on behalf of the Commission, the corporation so formed to become responsible for the future management of all the business affairs of the Commission. These proposals were approved by the Members of the Commission and this led

to the formation under United Kingdom Company Law of a company without share capital and limited by guarantee. The proposed Memorandum and Articles of Association of this company were submitted in draft to the United Kingdom Board of Inland Revenue in order that it might satisfy itself that the provisions proposed in those documents were sufficiently rigorous to bring the contemplated company within the definition of a "charity", this being a matter of great importance, since it was only if the company were recognised as having been formed to administer a "charity" that exemption from taxation could be secured for its funds. At the same time the Board of Trade, the United Kingdom Government Department by which companies are registered, recognised the public character of the functions proposed to be assigned to the company by granting a Licence exempting the Company from the necessity of including the word "Limited" in its title. The Chairmanship of the proposed company was accepted by the Right Hon. Walter Elliot, F.R.S., M.P., a former Minister of Agriculture and Minister of Health in the United Kingdom Government who was well known for the help which he had given to deserving scientific projects. By the end of 1946 all the necessary formalities had been completed, including the execution by Dr. Karl Jordan and myself as President and Secretary respectively of the International Commission of an Agreement with Mr. Walter Elliot and myself, as prospective Chairman and Managing Director respectively of the proposed company, under which the Officers of the Commission undertook to transfer to the company all the cash and other assets then held on behalf of the Commission and the prospective officers of the company undertook on its behalf to assume responsibility for all liabilities previously incurred on behalf of the Commission. The company was finally registered on 5th February 1947 with the title "The International Trust for Zoological Nomenclature". Since that date all the business affairs of the Commission have been dealt with by the International Trust.

6. A full report on the wartime and immediate post-war work of the Office of the Commission was laid before, and was approved by, the International Commission on Zoological Nomenclature when it assembled in Paris in July 1948. Later, the Report so submitted was laid before, and was approved by, the Thirteenth

International Congress of Zoology in Plenary Session. A number of important decisions bearing upon the publication of the "Opinions and Declarations" Series were taken during the foregoing session. Of these, mention must here be made of three, each of which affected the future of the present volume as hitherto planned. First, the Commission examined, and took decisions on, the various matters raised in the Editorial Notes attached to the re-issues of old *Opinions* (the re-issues of *Opinions* 1—16) so far published. The Commission at its Paris Session examined in detail a paper giving particulars of problems affecting the *Règles* which arose on the interpretative *Opinions* rendered by it in the pre-Lisbon period which would otherwise have been discussed in Editorial Notes attached to the re-issues of the *Opinions* concerned (1950, *Bull. zool. Nomencl.* 3 : 75—85). The decisions then taken by the Commission disposed of all outstanding problems in this field and rendered unnecessary the addition of Editorial Notes to re-issues of the *Opinions* in question. Second, the Paris Congress instructed the Commission to review and, where necessary, to complete the Rulings given in all *Opinions* rendered by it previous to the Paris Congress. This decision rendered unnecessary the provision of Editorial Notes on points relating to individual names or individual books dealt with in the Rulings given in the older *Opinions*. By these decisions alternative and improved means were provided for drawing attention to, and for obtaining decisions on, matters which would otherwise have been raised in Editorial Notes attached to the re-issues of the *Opinions* concerned. This led to the third of the decisions taken by the Commission in this field, namely that the publication of Editorial Notes to re-issues of *Opinions* should be discontinued. At the same time the decision that *Opinions* 1—133 should be re-issued in volume 1 of the "Opinions and Declarations" Series was re-affirmed, subject to the qualification that the re-issues so to be published should be in the form of facsimile reproductions of the *Opinions* concerned (1950, *Bull. zool. Nomencl.* 4 : 593—594).

7. Shortage of funds and, in particular, lack of staff, coupled with the pressing demands of other sectors of its work, made it impossible for the Trust to make any progress with the continuation of volume 1 of the present work until in 1954 the recruitment of staff made it possible to start the work required to give



effect to the decisions taken by the Paris Congress. In that year the Commission carried out the prescribed survey of the pre-Paris *Opinions* included in volume 3 (*Opinions* 182—194), and also of the Lisbon *Opinions* (*Opinions* 134—181) published in volume 2, of the present work. The decisions so taken were embodied in *Directions* 1 and 3 (volume 3) and *Directions* 2, 4—9 (volume 2). Having thus completed for all the *Opinions* embodying decisions taken at Lisbon or later the review asked for by the International Congress of Zoology, the Commission was ready by the beginning of 1955 to start a corresponding survey of the pre-Lisbon *Opinions* (*Opinions* 1—133).

8. At this stage consideration was given by the Trust as to the most convenient manner in which to publish the decisions to be taken by the Commission in respect of the pre-Lisbon *Opinions*. For the purpose of maintaining a due historical sequence, it was clearly desirable that the *Directions* embodying the decisions taken in the forthcoming review of the foregoing *Opinions* should form part of volume 1 of the present work, since that was the volume which had been reserved for the re-issue of the *Opinions* in question. On the other hand, it would clearly not be practicable without some special adjustment to include in that volume the whole of the facsimile edition of *Opinions* 1—133 and the *Directions* to be given by the Commission on points arising on those *Opinions*, in addition to the annotated re-issues published in the period 1943—1947. After careful consideration, the Trust accordingly decided to divide volume 1 into three separately paged and separately indexed Sections, to be known as Sections A, B, and C respectively. Section A, it was decided, should be closed at the point reached in 1947; Section B should be devoted to the facsimile edition of *Opinions* 1—133; Section C should include the *Directions* to be rendered by the Commission on matters arising on those *Opinions*. Immediately upon these decisions being taken, a start was made with the publication of Series C, the first Part of which (containing *Direction* 10) was published on 5th April 1955. Three further Parts (containing *Directions* 11—13) are due to be published on 19th May 1955, and further Parts containing *Directions* 14—26 are in the press.

9. Having thus launched Section C of the present volume, the Trust turned its attention to Section A. It was decided that this

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should be completed as quickly as possible by the publication of two further Parts (Parts A.26 and A.27). The first of these Parts should, it was arranged, contain Appendices bringing up to date the later history of the *Opinions* (*Opinions* 1—16) and *Declarations* (*Declarations* 1—9) published in the present Section, while Part A.27 would contain authors' and subject indexes, and the Title Page, Foreword and Table of Contents of this portion of volume 1.

10. The Trust regrets the length of time which has elapsed since the commencement of publication of the present Section, but, as has been shown, this has been largely due to causes which lay outside its control and, in the earlier period, outside the control of the Commission which was at that time responsible directly for its own publications.

### FRANCIS HEMMING

*Secretary to the International Commission  
on Zoological Nomenclature*

*Managing Director and Secretary to the International Trust  
for Zoological Nomenclature*

10th May 1955.

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# OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

Secretary to the Commission

**VOLUME 1. Part 1. Pp. 1-6.**

## **DECLARATION 1**

Code of Ethics to be observed in the renaming  
of homonyms

**LONDON:**

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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION OF THE COMMISSION AT THE TIME OF THE ADOPTION OF DECLARATION 1

### The Officers of the Commission

*President* : Professor Raphaël Blanchard (France).

*Secretary* : Dr. Charles Wardell Stiles (U.S.A.).

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M. le Dr. Ph. DAUTZENBERG (France).

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Dr. Ernst HARTERT (United Kingdom).

Dr. Peter Chalmers MITCHELL (United Kingdom).

Dr. Charles Wardell STILES (U.S.A.) (*Secretary to the Commission*).



## DECLARATION 1.

### CODE OF ETHICS TO BE OBSERVED IN THE RENAMING OF HOMONYMS.

**DECLARATION.**—*Whereas* experience has shown that authors, not infrequently, inadvertently publish as new designations of genera or species, names that are preoccupied, and *whereas* experience has shown also that some other authors, discovering the homonymy, have published new names for the later homonyms in question, *be it therefore* :

**Resolved**—That when it is noticed by any zoologist that the generic or specific name published by any living author as new is in reality a homonym, and therefore unavailable under Articles 34 and 36 of the Rules on Nomenclature, the proper action, from a standpoint of professional etiquette, is for said person to notify said author of the facts of the case, and to give said author ample opportunity to propose a substitute name.<sup>1</sup>

This *Declaration* was adopted by the International Commission on Zoological Nomenclature at their Session held at Monaco in March 1913. The subject was dealt with in paragraphs (51) and (52) of the Report which on that occasion the International Commission unanimously agreed to submit to the Ninth International Congress of Zoology.

2. Paragraph (51) of that report reads as follows :—

(51). *Code of Ethics.*—The Commission permits itself to invite attention to the fact that there exists in the zoological profession no recognized and generally adopted code of ethics that is comparable to the code of ethics existing in the medical profession of certain countries. Without presuming to be the arbiter of points of general ethics, the Commission is persuaded that there is one phase of this subject upon which it is competent to speak and in reference to this point it suggests to the Congress the adoption of the following resolution :

Here follows (in paragraph (52)) the resolution embodied in the present *Declaration*.

3. The Commission's report was submitted to the Section on Nomenclature, by whom the paragraph containing the present

<sup>1</sup> For a further statement of the views of the Commission on this subject, see *Declaration* 12.

*Declaration* was unanimously approved apart from one dissident. The report was subsequently submitted to the Ninth International Congress of Zoology by whom it was considered at the Concilium Plenum held at Monaco on the afternoon of 30th March 1913. It had been previously decided that discussion of particular portions of the report should be confined to the meeting of the Section on Nomenclature. Accordingly when the report was brought before the Concilium Plenum, the Congress was asked to vote on it *en bloc*. The Congress thereupon adopted and approved the whole of the report against only four dissenting votes.

4. The present *Declaration* was concurred in by the nine (9) Commissioners<sup>2</sup> present at the Monaco Session of the International Commission, namely :—

Allen; Blanchard; Dautzenberg; Hartert; Hoyle; Jentink; Monticelli; Stejneger; and Stiles.

5. The following six (6) Commissioners were not present at the Monaco Session and did not therefore vote on the present *Declaration* :—

Apstein; Dollo; Jordan (D. S.); Ludwig; Mitchell; and Schulze.

#### CERTIFICATE :

I, FRANCIS HEMMING, Secretary to the International Commission on Zoological Nomenclature, hereby CERTIFY that the present *Declaration* has been compiled from the records of the Proceedings of the International Commission on Zoological Nomenclature at their Session held at Monaco in March 1913 during the meeting of the Ninth International Congress of Zoology.

FRANCIS HEMMING

*Secretary to the International Commission  
on Zoological Nomenclature*

Secretariat of the Commission,  
at the British Museum (Natural History),  
Cromwell Road, LONDON, S.W.7.

1st May 1943.

<sup>2</sup> There were two Alternates (Dr. K. Jordan and Hon. Walter (later Lord) Rothschild) at the Monaco Session of the International Commission, but on that occasion Alternates attended only in an advisory capacity and were not accorded full voting rights.



**THE PUBLICATIONS OF THE COMMISSION.**

(obtainable at the Publications Office of the Commission at 41, Queen's Gate, London, S.W.7.)

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This journal has been established by the International Commission as their Official Organ in order to provide a medium for the publication of :—

- (a) proposals on zoological nomenclature submitted to the Commission for deliberation and decision ;
- (b) comments received from, and correspondence by the Secretary with, zoologists on proposals published in the *Bulletin* under (a) above ; and
- (c) papers on nomenclatorial implications of developments in taxonomic theory and practice.

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*Volume 2* commences with *Declaration* 10 and *Opinion* 134. Parts 1-15 (containing *Opinions* 134-148) have so far been published. The titles of these *Opinions* are given on the wrappers to Parts 1 and 2 of the *Bulletin*. Other Parts will be published shortly.

## AN URGENT APPEAL FOR A FUND OF £1800 TO ENABLE THE INTERNATIONAL COMMISSION TO CONTINUE ITS WORK

The International Commission on Zoological Nomenclature urgently appeal for grants to the above Fund to Museums, Research Institutes and other Institutions concerned with any branch of zoology ; to Learned Societies and Associations concerned with any aspect of zoology ; to Institutions and Learned Societies in the fields of Agriculture, Horticulture, Medicine and Veterinary Science, all of whom have a direct interest in that portion of the work of the Commission which is concerned with the stabilisation of Zoological Nomenclature ; to University and other Departments engaged in the teaching of zoology as being directly interested to secure stability in the scientific nomenclature used in biological text-books ; and to every individual zoologist who may be in a position to contribute to the funds of the Commission. Full particulars of the purposes for which the above Fund is required are given in Part 2 of the *Bulletin of Zoological Nomenclature*.

Contributions of any amount, however small, will be most gratefully received. They should be addressed to the Commission at their Publications Office, 41, Queen's Gate, London, S.W.7. Bankers' drafts, cheques, and Postal Orders, should be made payable to the "International Commission on Zoological Nomenclature" and crossed "Account payee. Coutts & Co."

OPINIONS AND DECLARATIONS  
RENDERED BY THE INTER-  
NATIONAL COMMISSION ON  
ZOOLOGICAL NOMENCLATURE

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

*Secretary to the Commission*

VOLUME 1. Part 2. Pp. 7-14.

**DECLARATION 2**

On the importance of avoiding the issue of authors' reprints or separata in advance of the publication of the work or journal in which the paper in question is to be published

LONDON :

Printed by Order of the International Commission on  
Zoological Nomenclature

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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION OF THE COMMISSION AT THE TIME OF THE ADOPTION OF DECLARATION 2

### The Officers of the Commission

*President* : Professor Raphael Blanchard (France).

*Secretary* : Dr. Charles Wardell Stiles (U.S.A.).

### The Members of the Commission

#### *Class 1913*

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Herr Professor Dr. Karl APSTEIN (Germany).

M. le Dr. Ph. DAUTZENBERG (France).

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Dr. Ernst HARTERT (United Kingdom).

Dr. Peter Chalmers MITCHELL (United Kingdom).

Dr. Charles Wardell STILES (U.S.A.) (*Secretary to the Commission*).



## DECLARATION 2.

**ON THE IMPORTANCE OF AVOIDING THE ISSUE OF AUTHORS' REPRINTS OR SEPARATA IN ADVANCE OF THE PUBLICATION OF THE WORK OR JOURNAL IN WHICH THE PAPER IN QUESTION IS TO BE PUBLISHED.**

**DECLARATION.**—*Whereas* the widespread custom of issuing reprints in advance of the appearance of the original publication gives rise to much unnecessary confusion in nomenclature, be it

*Resolved*, That the Ninth International Zoological Congress expresses its disapproval of this custom and appeals to editors to discontinue it.

At their Session held at Monaco in 1913 during the Ninth International Congress of Zoology, the International Commission on Zoological Nomenclature had under consideration the confusion in nomenclature resulting from the custom of issuing authors' reprints or separata in advance of the publication of the work or journal in which the papers in question are to be published. This question had arisen in an acute form in connection with the date of the Trematode name *Amphimerus* Barker, 1911, on which a request for an *Opinion* had been received from Dr. J. W. Stephens.<sup>1</sup>

2. In order to deal with the general question without further delay, the International Commission decided to adopt a resolution condemning the advance issue of reprints and separata in this way and agreed "under suspension of the By-Laws if need be" to recommend the Ninth International Congress itself to approve and adopt as its own the resolution adopted by the Commission. In framing their report to the International Congress, the International Commission devoted paragraphs (53) to (56) to this subject.<sup>2</sup>

<sup>1</sup> See *Opinion* 59.

<sup>2</sup> The Commission attached to their resolution a further clause dealing with the wider question of the need for ensuring that every zoological work should bear on it the precise date of its issue. This supplementary clause was set out in paragraph (57) of their report to the Congress. It is not given here, because it has been thought more convenient to deal with this subject in the next following *Declaration* (*Declaration* 3).

## 3. Paragraphs (53) and (56) of that Report read as follows :—

(53) *Date of Authors' Reprints or Separata*.—Among the cases recently submitted to the Commission for *Opinion* is one that involves a somewhat unusual point in respect to reprints.<sup>1</sup> Under the present rules there is no article which permits the Commission to rule that all separata are of the same date as, or of later date than, the original publication, although such a proposal has now been submitted as an amendment to the rules and will be considered in time for the Tenth Congress.<sup>3</sup> In the meantime, the Commission has instructed the Secretary to report the following resolutions to the Congress :

(54) *Resolved*, That the Commission, under unanimous suspension of the By-Laws if need be,<sup>4</sup> recommends to the Congress the adoption of the following resolution, namely :

(55) WHEREAS the widespread custom of issuing reprints in advance of the appearance of the original publication gives rise to much unnecessary confusion in nomenclature, be it

(56) *Resolved*, That the Ninth International Zoological Congress expresses its disapproval of this custom and appeals to editors to discontinue it.

4. The Commission's report was submitted to the Section on Nomenclature, by whom the paragraphs relating to the present *Declaration* were unanimously approved. The report was subsequently submitted to the Ninth International Congress of Zoology by whom it was considered at the Concilium Plenum held at Monaco on the afternoon of 31st March 1913. It had previously been decided that discussion of particular portions of the report should be confined to the meeting of the Section on Nomenclature. Accordingly when the report was brought before the Concilium Plenum, the Congress was asked to vote on it *en bloc*. The Congress thereupon adopted and approved the whole of the report against only four dissenting votes. In the circumstances described, these dissenting votes were necessarily directed against the whole report, but in view of the fact that the paragraphs in that Commission's report containing the present *Declaration* were unanimously adopted in the Section on Nomenclature, it may be concluded that the dissenting votes were intended to refer not to the present subject but to those portions of the Commission's report on which unanimity had not been secured in the Section.

<sup>3</sup> Owing to the war of 1914-1918 the Tenth International Congress of Zoology was not held until 1927. This subject was not, however, raised at that meeting.

<sup>4</sup> The International Commission appear to have doubted whether the subject dealt with in the present *Declaration* was one on which, under the By-Laws of the Commission, they were authorised to enter. It was for the purpose of freeing themselves of any restraints which might thereby be imposed on their liberty of action that the Commission, in recommending this *Declaration* to the Congress for approval, agreed to do so "under unanimous suspension of the By-Laws, if need be". The Congress, in approving the *Declaration* recommended by the Commission, indicated thereby their approval of the procedure adopted by the Commission.

5. The present *Declaration* was concurred in by the nine (9) Commissioners <sup>5</sup> present at the Monaco Session of the International Commission, namely :—

Allen; Blanchard; Dautzenberg; Hartert; Hoyle; Jentink; Monticelli; Stejneger; and Stiles.

6. The following six (6) Commissioners were not present at the Monaco Session and did not therefore vote on the present *Declaration* :—

Apstein; Dollo; Jordan (D. S.); Ludwig; Mitchell; and Schulze.

#### CERTIFICATE :

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*Secretary to the International Commission  
on Zoological Nomenclature*

Secretariat of the Commission,  
at the British Museum (Natural History),  
Cromwell Road, LONDON, S.W.7.

10th June 1943.

<sup>5</sup> There were two Alternates (Dr. K. Jordan and Hon. Walter (later Lord) Rothschild) at the Monaco Session of the International Commission, but on that occasion Alternates attended only in an advisory capacity and were not accorded full voting rights.

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Ref.

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*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**  
Secretary to the Commission

**VOLUME 1. Part 3. Pp. 15-22.**

## **DECLARATION 3**

On the importance of giving a clear indication  
of the date of issue of every zoological  
publication

**LONDON:**

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1943

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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION OF THE COMMISSION AT THE TIME OF THE ADOPTION OF DECLARATION 3

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*Secretary* : Dr. Charles Wardell Stiles (U.S.A.).

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Dr. Ernst HARTERT (United Kingdom).

Dr. Peter Chalmers MITCHELL (United Kingdom).

Dr. Charles Wardell STILES (U.S.A.) (*Secretary to the Commission*).



### DECLARATION 3.

#### ON THE IMPORTANCE OF GIVING A CLEAR INDICATION OF THE DATE OF ISSUE OF EVERY ZOOLOGICAL PUBLICATION.

**DECLARATION.**—*Resolved* that editors be requested to give on each edition of all publications the exact date (year, month, day) of issue of said edition.

At their Session held at Monaco in 1913 during the Ninth International Congress of Zoology, the International Commission on Zoological Nomenclature had under consideration the serious confusion in nomenclature arising from the issue of reprints in advance of the appearance of the original publication. In order to deal with this question without further delay, the International Commission adopted a resolution condemning this practice and recommended, "under unanimous suspension of the By-Laws if need be"<sup>1</sup> that the International Congress should itself approve and adopt as its own the resolution adopted by the Commission. This recommendation was approved by the Congress and the *Declaration* so adopted has since been embodied in *Declaration 2* of the Commission.

2. At the same time the International Commission took into consideration the wider question of the need for ensuring that every zoological work should bear on it the precise date of its issue. The Commission realised that this was a question that was not dealt with in the International Code and they accordingly decided to incorporate a resolution on this subject in the resolution relating to the issue of reprints (*Declaration 2*) which they then decided to submit to the International Congress for approval and adoption.

<sup>1</sup> The International Commission appear to have doubted whether the subject dealt with in the present *Declaration* was one on which, under the By-Laws of the Commission, they were authorised to enter. It was for the purpose of freeing themselves of any restraints which might thereby be imposed on their liberty of action that the Commission, in recommending this *Declaration* to the Congress for approval, agreed to do so "under unanimous suspension of the By-Laws, if need be". The Congress, in approving the *Declaration* recommended by the Commission, indicated thereby their approval of the procedure adopted by the Commission.

3. The two subjects were discussed briefly in paragraph (53) of the report submitted by the International Commission to the Ninth International Congress. Paragraph (54) of that report gave the text of the Resolution adopted by the International Commission; and paragraphs (55) to (57) set out the terms of the Resolution recommended to the Congress for adoption. The following is the text of the paragraphs in question:—

(53) *Date of Authors' Reprints or Separata.*—Among the cases recently submitted to the Commission for *Opinion* is one that involves a somewhat unusual point in respect to reprints. Under the present rules there is no article which permits the Commission to rule that all separata are of the same date as, or of a later date than, the original publication, although such a proposal has now been submitted as an amendment to the rules and will be considered in time for the Tenth Congress.<sup>2</sup> In the meantime, the Commission has instructed the Secretary to report the following Resolutions to the Congress:

(54) *Resolved*, That the Commission, under unanimous suspension of the By-Laws if need be, recommends to the Congress the adoption of the following Resolution, namely:

[Paragraphs (55) and (56), which relate to the question of authors' separata, are quoted in full in Declaration 2.]

(57) *Resolved*, That editors be requested to give on each edition of all publications the exact date (year, month, day) of issue of said edition.

4. The Commission's report was submitted to the Section on Nomenclature, by whom the paragraphs relating to the present *Declaration* were unanimously approved. The report was subsequently submitted to the Ninth International Congress of Zoology by whom it was considered at the Concilium Plenum held at Monaco on the afternoon of 30th March 1913. It had previously been decided that discussion of particular portions of the report should be confined to the meeting of the Section on Nomenclature. Accordingly when the report was brought before the Concilium Plenum, the Congress was asked to vote on it *en bloc*. The Congress thereupon adopted and approved the whole of the report against only four dissenting votes. In the circumstances described, these dissenting votes were necessarily directed against the whole report, but in view of the fact that the paragraphs in that report relating to the present *Declaration* were unanimously adopted in the Section on Nomenclature, it may be concluded that the dissenting votes were intended to refer not to the present subject but to those portions of the Commission's report on which unanimity had not been secured in the Section.

5. The present *Declaration* was concurred in by the nine (9)

<sup>2</sup> Owing to the war of 1914-1918 the Tenth International Congress of Zoology was not held until 1927, when this subject was again discussed. See *Declaration* 8.

Commissioners<sup>3</sup> present at the Monaco Session of the International Commission, namely :—

Allen; Blanchard; Dautzenberg; Hartert; Hoyle; Jentink; Monticelli; Stejneger; and Stiles.

6. The following six (6) Commissioners were not present at the Monaco Session and did not therefore vote on the present *Declaration* :—

Apstein; Dollo; Jordan (D. S.); Ludwig; Mitchell; and Schulze.

CERTIFICATE :

I, FRANCIS HEMMING, Secretary to the International Commission on Zoological Nomenclature, hereby CERTIFY that the present *Declaration* has been compiled from the records of the Proceedings of the International Commission on Zoological Nomenclature at their Session held at Monaco in March 1913 during the meeting of the Ninth International Congress of Zoology.

FRANCIS HEMMING

*Secretary to the International Commission  
on Zoological Nomenclature*

Secretariat of the Commission,  
at the British Museum (Natural History),  
Cromwell Road, LONDON, S.W.7.

11th June 1943.

<sup>3</sup> There were two Alternates (Dr. K. Jordan and Hon. Walter (later Lord) Rothschild) at the Monaco Session of the International Commission, but on that occasion Alternates attended only in an advisory capacity and were not accorded full voting rights.

## THE PUBLICATIONS OF THE COMMISSION.

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ENABLE THE INTERNATIONAL COMMISSION TO  
CONTINUE ITS WORK**

The International Commission on Zoological Nomenclature urgently appeal for grants to the above Fund to Museums, Research Institutes and other Institutions concerned with any branch of zoology ; to Learned Societies and Associations concerned with any aspect of zoology ; to Institutions and Learned Societies in the fields of Agriculture, Horticulture, Medicine and Veterinary Science, all of whom have a direct interest in that portion of the work of the Commission which is concerned with the stabilisation of Zoological Nomenclature ; to University and other Departments engaged in the teaching of zoology as being directly interested to secure stability in the scientific nomenclature used in biological text-books ; and to every individual zoologist who may be in a position to contribute to the funds of the Commission. Full particulars of the purposes for which the above Fund is required are given in Part 2 of the *Bulletin of Zoological Nomenclature*.

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**OPINIONS AND DECLARATIONS  
RENDERED BY THE INTER-  
NATIONAL COMMISSION ON  
ZOOLOGICAL NOMENCLATURE**

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

Secretary to the Commission

**VOLUME 1. Part 4. Pp. 23-30.**

**DECLARATION 4**

On the need for avoiding intemperate language  
in discussions on zoological nomenclature

**LONDON:**

Printed by Order of the International Commission on  
Zoological Nomenclature

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41, Queen's Gate, London, S.W.7

1943

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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION OF THE COMMISSION AT THE TIME OF THE ADOPTION OF DECLARATION 4

### The Officers of the Commission

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Dr. Charles Wardell STILES (U.S.A.) (*Secretary to the Commission*).



## DECLARATION 4.

### ON THE NEED FOR AVOIDING INTEMPERATE LANGUAGE IN DISCUSSIONS ON ZOOLOGICAL NOMENCLATURE.

**DECLARATION.**—In the opinion of the Commission the tendency to enter into public polemics over matters which educated and refined professional gentlemen might so easily settle in friendly and diplomatic correspondence is distinctly unfavourable to a settlement of the nomenclatorial cases for which a solution is sought. It may be assumed that the vast majority of zoologists agree with the Commission in desiring results rather than polemics, and the Commission ventures to suggest that results may be obtained more easily by the utmost consideration for the usual rules of courtesy when discussing the views of others.

The dangers attending the use of sarcasm and intemperate language in discussions on zoological nomenclature were specially considered by the International Commission on Zoological Nomenclature at their Session held at Monaco in March 1913 during the Ninth International Congress of Zoology. The Commission considered that this question was sufficiently pressing to require special treatment in their report to the Congress. In framing that report the Commission accordingly devoted paragraphs (68) and (69) to this subject.

2. Paragraph (68) of that report reads as follows :—

(68) *Intemperate Language.*—Whether or not it be an actual fact, appearances to that effect exist that if one author changes or corrects the names used by another writer, the latter seems inclined to take the change as a personal offense. The explanation of this fact (or appearance, as the case may be) is not entirely clear. If one person corrects the grammar of another, this action seems to be interpreted as a criticism upon the good breeding or education of the latter person. Nomenclature has been called "the grammar of science" and possibly there is some inborn feeling that changes in nomenclature involve a reflection upon one's education, culture and breeding. Too frequently there follows a discussion in which one or the other author so far departs from the paths of diplomatic discussion, that he seems to give more or less foundation to the view that there is something in his culture subject to criticism. It is with distinct regret that the Commission notices the tendency to sarcasm and intemperate language so noticeable in discussions which should be not only of the most friendly nature, especially since a thorough mutual understanding is so valuable to an agreement, but which are complicated and rendered more difficult of results by every little departure from those methods adopted by professional gentlemen.

Here follows (in paragraph (69)) the passage which forms the text of the present *Declaration*.

3. The Commission's report was submitted to the Section on Nomenclature by whom the paragraphs relating to the present *Declaration* were unanimously approved. The report was subsequently submitted to the Ninth International Congress of Zoology by whom it was considered at the Concilium Plenum held at Monaco on the afternoon of 30th March 1913. It had previously been decided that discussion of particular portions of the report should be confined to the meeting of the Section on Nomenclature. Accordingly when the report was brought before the Concilium Plenum, the Congress was asked to vote on it *en bloc*. The Congress thereupon adopted and approved the whole of the report against only four dissenting votes. In the circumstances described, these dissenting votes were necessarily directed against the whole report, but in view of the fact that the paragraphs in that report containing the present *Declaration* were unanimously adopted in the Section on Nomenclature, it may be concluded that the dissenting votes were intended to refer not to the present subject but to those portions of the Commission's report on which unanimity had not been secured in the Section.

4. The present *Declaration* was concurred in by the nine (9) Commissioners<sup>1</sup> present at the Monaco Session of the International Commission, namely :—

Allen; Blanchard; Dautzenberg; Hartert; Hoyle; Jentink; Monticelli; Stejneger; and Stiles.

5. The following six (6) Commissioners were not present at the Monaco Session of the International Commission and did not therefore vote on the present *Declaration* :—

Apstein; Dollo; Jordan (D. S.); Ludwig; Mitchell; and Schulze.

<sup>1</sup> There were two Alternates (Dr. K. Jordan and Hon. Walter (later Lord) Rothschild) at the Monaco Session of the International Commission, but on that occasion Alternates attended only in an advisory capacity and were not accorded full voting rights.

CERTIFICATE :

I, FRANCIS HEMMING, Secretary to the International Commission on Zoological Nomenclature, hereby CERTIFY that the present *Declaration* has been compiled from the records of the Proceedings of the International Commission on Zoological Nomenclature at their Session held at Monaco in March 1913 during the Ninth International Congress of Zoology.

FRANCIS HEMMING

*Secretary to the International Commission  
on Zoological Nomenclature*

Secretariat of the Commission,  
at the British Museum (Natural History),  
Cromwell Road, LONDON, S.W.7.

12th June 1943.

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# OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**  
Secretary to the Commission

**VOLUME 1. Part 5. Pp. 31-40.**

## **DECLARATION 5**

On the grant to the International Commission  
on Zoological Nomenclature of plenary powers  
to suspend the rules in certain cases

**LONDON:**

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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION OF THE COMMISSION AT THE TIME OF THE ADOPTION OF DECLARATION 5

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## DECLARATION 5.

### ON THE GRANT TO THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE OF PLENARY POWERS TO SUSPEND THE RULES IN CERTAIN CASES.

*Resolution adopted by the Ninth International Congress of Zoology at its meeting held at Monaco in March 1913 conferring plenary powers upon the International Commission on Zoological Nomenclature to suspend the rules in the International Code of Zoological Nomenclature in certain cases.*

**1. RESOLVED.**—That plenary power is herewith conferred upon the International Commission on Zoological Nomenclature, acting for this Congress, to suspend the Règles as applied to any given case, where in its judgment the strict application of the Règles will clearly result in greater confusion than uniformity,

- (a) *provided*, however, that not less than one year's notice shall be given in any two or more of the following publications namely, *Bulletin de la Société zoologique de France*, *Monitore zoologico*, *Nature*, *Science* (New York), and *Zoologischer Anzeiger*, that the question of a possible suspension of the Règles as applied to such case is under consideration, thereby making it possible for zoologists, particularly specialists in the group in question, to present arguments for or against the suspension under consideration ; and
- (b) *provided*, also, that the vote in Commission is unanimously in favor of suspension ; and
- (c) *provided*, further, that if the vote in the Commission is a two-thirds majority of the full Commission, but not a unanimous vote in favor of suspension, the Commission is hereby instructed to report the facts to the next succeeding International Congress ; and

**2. RESOLVED.**—That in the event that a case reaches the Congress, as hereinbefore described, with a two-thirds majority of the Commission in favor of suspension, but without unanimous report, it shall be the duty of the President of the Section on

**Nomenclature to select a special Board of 3 members, consisting of one member of the Commission who voted on each side of the question and one ex-member of the Commission who has not expressed any public opinion on the case, and this special Board shall review the evidence presented to it, and its report, either majority or unanimous, shall be final and without appeal, so far as the Congress is concerned ; and**

**3. RESOLVED.**—That the foregoing authority refers in the first instance and especially to cases of the names of larval stages and the transference of names from one genus or species to another ; and

**4. RESOLVED.**—That the Congress fully approves the plan that has been inaugurated by the Commission of conferring with special committees from the special group involved in any given case, and that it authorizes and instructs the Commission to continue and extend this policy.

During the concluding stages of their Session held at Monaco in March 1913 the International Commission on Zoological Nomenclature drew up and presented to the Ninth International Congress of Zoology a "Supplemental Report" in continuation of the main report which earlier they had agreed to submit to the Congress. This "Supplemental Report" was prepared to meet certain views that had been expressed, and to harmonise certain difficulties that had arisen, in the Section on Nomenclature during the discussion of the Commission's main report.

2. The "Supplemental Report", the paragraphs of which were numbered continuously with those of the main report, consisted of eight paragraphs (paragraphs (109) to (116)). Paragraphs (109) to (112) read as follows :—

(109) SUPPLEMENTAL REPORT

[(110). After the foregoing Report was prepared, an additional proposition was submitted to the Commission that had been adopted by the Section on Nomenclature.<sup>1</sup> This proposition, however, after presentation of the foregoing and this Supplemental Report, the Section voted to

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<sup>1</sup> The surviving records of the proceedings at Monaco of the International Commission on Zoological Nomenclature are incomplete. So also is the official (and only surviving) record of the proceedings of the Section on Nomenclature of the Ninth International Congress of Zoology. In particular, it has been found impossible to trace a copy of the text of the proposition adopted at one stage, and later withdrawn, by the Section on Nomenclature, to which reference is made in paragraph (110) of the Commission's "Supplemental Report". This is unfortunate since clearly this

reconsider and upon such reconsideration the Section approved in its place the resolutions presented in this Supplemental Report.—C.W.S.]

[(111). In presenting this Supplemental Report, the Secretary made a verbal statement to the effect that these resolutions were not completed until after the foregoing report had been adopted by the Commission, hence they could not be included in the regular Report. They were in fact not completed until the morning of the last day of the Congress. Prior to the meeting of the Section on Nomenclature, most of the members of the Commission had approved the resolutions, and the Section took a recess in order to permit the other Commissioners to consider them. All Commissioners approved the Resolutions and the Secretary was instructed to present them to the Section and the Congress as a Supplemental Report. From a parliamentary point of view, they are accepted by the Commission as addition to the subject discussed in paragraph (102) of the Report and as substitute for several of the proposals that had been presented as amendments to the Code. The subject matter was first presented to the Commission during its Graz meeting, and since that time has been under more or less consideration. It was discussed during the Monaco (1913) meeting of the Congress, but the form of the proposition was not agreed upon until immediately prior to its presentation at the joint session of the Commission and of the Section on Nomenclature.—C.W.S.]

(112). The Commission unanimously recommends to the Congress the adoption of the following Resolutions.

*(Here follow in paragraphs (113) to (116) the four portions of the Resolution set out at the head of the present Declaration.)*

3. The *Comptes Rendus* of the Ninth International Congress contain (on pp. 891–894) a note headed “Action of the Section on Nomenclature and of the Congress on the foregoing Reports” [*i.e.* the main and Supplemental Reports submitted by the International Commission on Zoological Nomenclature]. The following extracts show the action taken on the Commission’s “Supplemental Report” :—

The Secretary reported that he was under instructions from the Commission to present to the meeting the Report and a Supplemental Report of the Commission.

Following the reading of the regular Report, the meeting took a short recess to enable certain members of the Commission to examine and vote on the Supplemental Report. After the meeting was again called to order, the Supplemental Report was read.

The Secretary requested the adoption of the Reports as a whole, explaining that this adoption did not carry with it the approval of the separate recommendations. Upon motion, and second, the Reports were adopted.

The Secretary requested action on those paragraphs that involved

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proposition exercised a considerable influence on the International Commission and contributed largely to their decision to invite the Congress to confer plenary powers upon the Commission to suspend the rules in certain cases. The only published account of the origin and development of the proposal to confer these plenary powers upon the International Commission is that compiled from such sources as are available by the present Secretary to the International Commission which appeared in May 1943 (Hemming, 1943, *Bull. zool. Nomencl.* 1 : xvii–xxi).

recommendations, nominations, and resolutions. Acting upon each subject separately, the joint meeting,<sup>2</sup> upon motion and second, *approved* the following paragraphs separately:

“ . . . (II3, II4, II5, II6).

4. The following is the text (as set out in the *Comptes Rendus*) of the final Concilium Plenum held at Monaco on 31st March 1913, at which the Ninth International Congress of Zoology took into consideration the proposals submitted by the International Commission on Zoological Nomenclature and the action thereon taken by the Section on Nomenclature:—

At the afternoon General Session, the Secretary of the Commission reported in English upon the resignations, nominations, amendments and resolutions, recommended by the Commission, and approved by the Section on Nomenclature, but he did not read the report in full.

The President of the Commission gave a resume of the subject in French, translating most portions of the Resolutions verbatim, and adding certain explanatory remarks.

All matters involved were voted upon by the General Session, *en bloc* and without discussion (which it had been decided should be confined to the meeting of the Section). Against only four dissenting votes, all the subject matter in question was adopted and approved.

5. The decision by the International Commission on Zoological Nomenclature to recommend to the Ninth International Congress of Zoology the Resolution set out in the present *Declaration* was concurred in by all the nine (9) Commissioners<sup>3</sup> present at the Monaco Session of the International Commission, namely:—

Allen; Blanchard; Dautzenberg; Hartert; Hoyle; Jentink; Monticelli; Stejneger; and Stiles.

6. The following six (6) Commissioners were not present at the Monaco Session and did not therefore vote on the Resolution dealt with in the present *Declaration*:—

Apstein; Dollo; Jordan (D. S.); Ludwig; Mitchell; and Schulze.

<sup>2</sup> This meeting opened as a meeting of the Section on Nomenclature; but at the outset of the proceedings Dr. Stiles, as Secretary to the Commission, “ invited attention to the fact that the By-Laws of the Commission provided for an open meeting of the Commission, and he moved that the present meeting of the Section resolve itself into a Joint Meeting of the Commission and of the Section, in order to comply with the provision in question.” The *Comptes Rendus* add that “ Upon second, this motion prevailed.”

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FRANCIS HEMMING

*Secretary to the International Commission  
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Secretariat of the Commission,  
at the British Museum (Natural History),  
Cromwell Road, LONDON, S.W.7.

14th June 1943.

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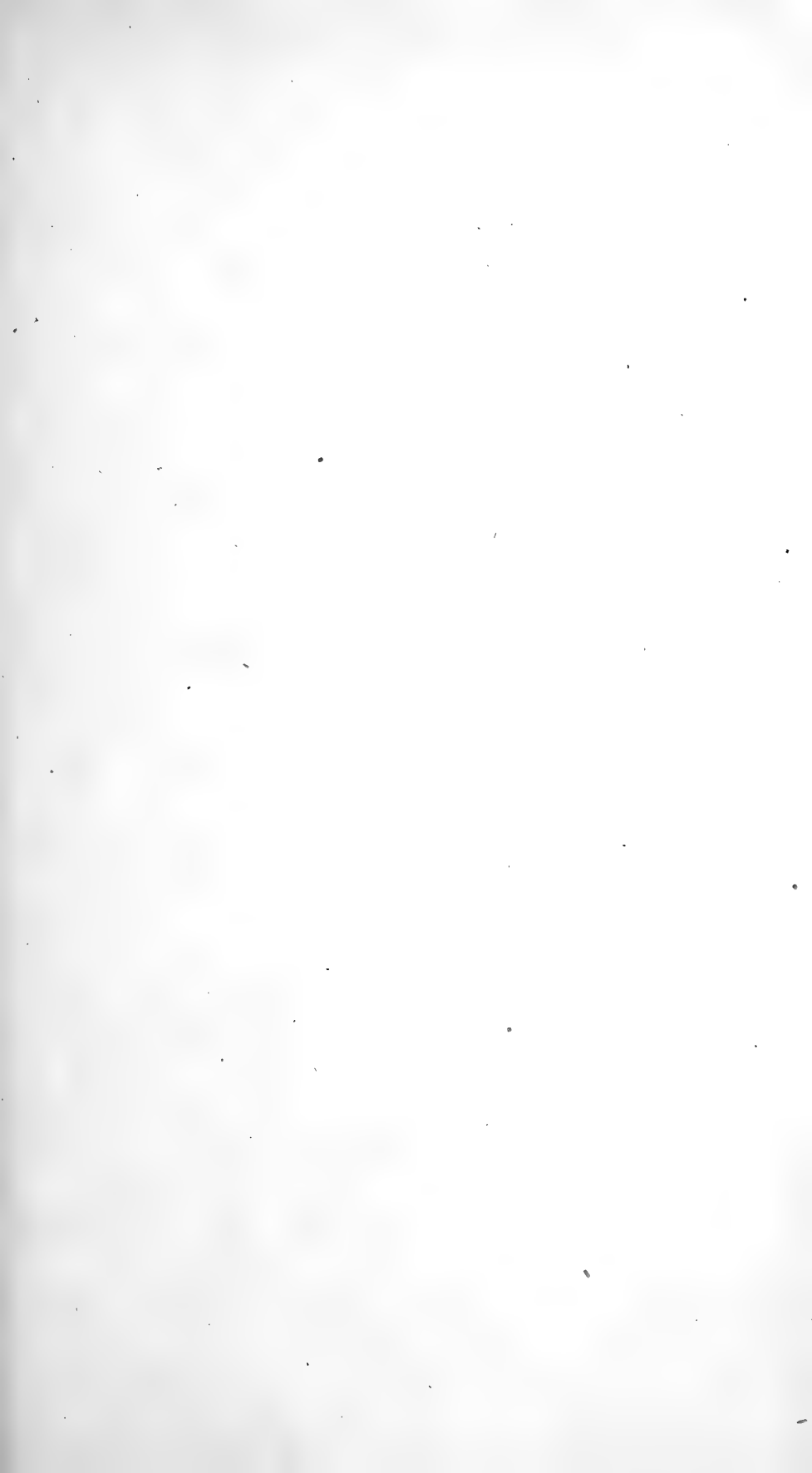
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*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**  
Secretary to the Commission

**VOLUME 1. Part 6. Pp. 41-48.**

## **DECLARATION 6**

On the need for new names to be clearly indicated as such on their first publication and on the need for avoiding the publication of names as new on more than one occasion

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*Secretary* : Dr. Charles Wardell Stiles (U.S.A.).

### The Members of the Commission

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Dr. Ernst HARTERT (United Kingdom).

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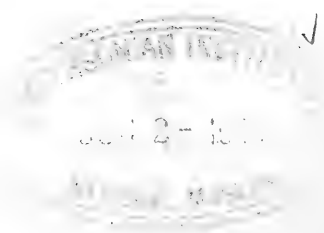
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Dr. Leonhard STEJNEGER (U.S.A.).

Dr. Witmer STONE (U.S.A.).

Dr. Ernest WARREN (Union of South Africa).





## DECLARATION 6.

**ON THE NEED FOR NEW NAMES TO BE CLEARLY INDICATED AS SUCH ON THEIR FIRST PUBLICATION AND ON THE NEED FOR AVOIDING THE PUBLICATION OF NAMES AS NEW ON MORE THAN ONE OCCASION.**

**DECLARATION.**—It is requested that an author who publishes a name as new shall definitely state that it is new, that this be stated in only one (i.e. the first) publication, and that the date of publication be not added to the name in its first publication.

At their Session held at Budapest in September 1927 during the Tenth International Congress of Zoology, the International Commission on Zoological Nomenclature had under consideration the question of devising means for eliminating some of the causes of confusion in zoological nomenclature. In the course of the discussion, attention was drawn to the wholly unnecessary confusion arising from two objectionable practices followed by some authors when publishing new names.

2. In the first place, certain authors were in the habit of publishing new names without giving any indication that they were publishing those names for the first time. It was highly likely that names published in this way would escape the notice of compilers of Abstracts and Records (such as the *Zoological Record*). The result had been that the first publication of some names had for a time been overlooked; invalid (because later) names had come into use; and unnecessary confusion had arisen when this error had been corrected and the older (till then overlooked) name had been brought into use. Even where a name so published had been duly recorded in Abstracts and Records, the fact that the name had been so published was still open to objection since it threw an entirely unnecessary burden upon the compilers of such publications.

3. The second cause of confusion in connection with the publication of new names arose from the practice of some authors of indicating names as new in two or more papers due for publication at about the same time. This practice was also open to strong objection since it involved systematists in the wholly

unnecessary task of determining the precise date of publication of the Parts of several journals in each of which the name was published as new. In some cases, moreover, it was not possible to determine dates of publication with absolute precision; where this was so, serious confusion resulted from the practice under discussion since it was impossible to determine with certainty in which of two (or more) works a given name had first been published. The confusion so caused was greatly aggravated when (as was sometimes the case) the descriptions given by the author to the organism to which the new name was applied were not identical in the publications concerned.

4. The International Commission decided to deal with both these matters in their report to the Tenth International Congress of Zoology, together with another matter liable to give rise to confusion through carelessness in the citation of bibliographical references.<sup>1</sup> The questions dealt with in the present *Declaration* were accordingly made the subject of paragraphs 108 and 109 of the report submitted by the Commission to the Congress. These paragraphs read as follows :—

108. The Commission in session unanimously voted to invite the attention of authors to the following provisions which are intended to reduce confusion :

109. (a) It is requested that an author who *publishes*<sup>2</sup> a name as new shall definitely state that it is new, that this be stated in only one (i.e. the first) publication, and that the date of publication be not added to the name in its first publication.

5. The report of the Commission containing the foregoing paragraphs was approved by the Section on Nomenclature at its joint meeting with the International Commission held at Budapest on 8th September 1927, against three dissenting votes. The *Comptes Rendus* of the Congress record that the discussion on the report was directed mainly to the amendment of Article 25 of the Code recommended in paragraphs 98 to 104 of that document. It may be concluded therefore that the dissenting votes were directed to that portion of the Commission's report and not to the paragraphs quoted in paragraph 4 above. The report was thereupon submitted to the Tenth International Congress of Zoology by whom it was approved at the Concilium Plenum held at Budapest on 10th September 1927, the last day of the Congress.

<sup>1</sup> The subject here referred to is dealt with in *Declaration 7*.

<sup>2</sup> The word "publishes" was printed in italics in the Commission's report to contrast it with the word "quotes" in the following paragraph (paragraph 110). For the text of the latter paragraph, see *Declaration 7*.

6. The present *Declaration* was concurred in by the sixteen (16) Commissioners and Alternates<sup>3</sup> present at the Budapest Session of the International Commission, namely :—

Commissioners :—Apstein; Bather; Handlirsch; Hartert; Horváth; Jordan (K.); Lönnberg; Stejneger; and Stiles.

Alternates :—Rothschild *vice* Chapman; Goto *vice* Ishikawa; Howard *vice* Jordan (D. S.); Hedicke *vice* Kolbe; Muesebeck *vice* Stone; Mortensen *vice* Neveu-Lemaire; and Enriques *vice* Monticelli.

7. The following two (2) Commissioners who were neither present at the Budapest Session nor represented thereat by Alternates did not vote on the present *Declaration* :—

Dabbene; and Warren.

CERTIFICATE:

I, FRANCIS HEMMING, Secretary to the International Commission on Zoological Nomenclature, hereby CERTIFY that the present *Declaration* has been compiled from the records of the Proceedings of the International Commission on Zoological Nomenclature at their Session held at Budapest in September 1927 during the Tenth International Congress of Zoology.

FRANCIS HEMMING

*Secretary to the International Commission  
on Zoological Nomenclature*

Secretariat of the Commission,  
at the British Museum (Natural History),  
Cromwell Road, LONDON, S.W.7.

15th June 1943.

<sup>3</sup> At the Budapest and all subsequent Sessions of the International Commission Alternates were accorded full voting rights.

## THE PUBLICATIONS OF THE COMMISSION.

(obtainable at the Publications Office of the Commission at 41, Queen's Gate, London, S.W.7.)

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The International Commission on Zoological Nomenclature urgently appeal for grants to the above Fund to Museums, Research Institutes and other Institutions concerned with any branch of zoology ; to Learned Societies and Associations concerned with any aspect of zoology ; to Institutions and Learned Societies in the fields of Agriculture, Horticulture, Medicine and Veterinary Science, all of whom have a direct interest in that portion of the work of the Commission which is concerned with the stabilisation of Zoological Nomenclature ; to University and other Departments engaged in the teaching of zoology as being directly interested to secure stability in the scientific nomenclature used in biological text-books ; and to every individual zoologist who may be in a position to contribute to the funds of the Commission. Full particulars of the purposes for which the above Fund is required are given in Part 2 of the *Bulletin of Zoological Nomenclature*.

Contributions of any amount, however small, will be most gratefully received. They should be addressed to the Commission at their Publications Office, 41, Queen's Gate, London, S.W.7. Bankers' drafts, cheques, and Postal Orders, should be made payable to the "International Commission on Zoological Nomenclature" and crossed "Account payee. Coutts & Co."

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BUNGAY, SUFFOLK.

**OPINIONS AND DECLARATIONS  
RENDERED BY THE INTER-  
NATIONAL COMMISSION ON  
ZOOLOGICAL NOMENCLATURE**

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**  
Secretary to the Commission

**VOLUME 1. Part 7. Pp. 49-56.**

**DECLARATION 7**

On the need for quoting bibliographical or  
other references for all names cited in zoo-  
logical works

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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION OF THE COMMISSION AT THE TIME OF THE ADOPTION OF DECLARATION 7

### The Officers of the Commission

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*Secretary* : Dr. Charles Wardell Stiles (U.S.A.).

### The Members of the Commission

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Dr. Geza HORVÁTH (Hungary).

Professor Chiyomatsu ISHIKAWA (Japan).

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Monsieur le Professeur N. NEVEU-LEMAIRE (France).

#### *Class 1934*

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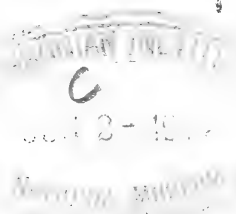
Professor David Starr JORDAN (U.S.A.).

Professor F. S. MONTICELLI (Italy) (*President of the Commission*).

Dr. Leonhard STEJNEGER (U.S.A.).

Dr. Witmer STONE (U.S.A.).

Dr. Ernest WARREN (Union of South Africa).





## DECLARATION 7.

### ON THE NEED FOR QUOTING BIBLIOGRAPHICAL OR OTHER REFERENCES FOR ALL NAMES CITED IN ZOOLOGICAL WORKS.

**DECLARATION.**—It is requested that an author who quotes a generic name, or a specific name, or a subspecific name, shall add at least once the author and year of publication of the quoted name or a full bibliographic reference.

At their Session held at Budapest in September 1927 during the Tenth International Congress of Zoology, the International Commission on Zoological Nomenclature had under consideration the question of devising means for eliminating some of the causes of confusion in zoological nomenclature. In the course of the discussion, attention was drawn to the confusion constantly liable to arise from the practice of many authors of quoting names in zoological publications without adequate references to enable the reader to identify the works in which those names were first published. Many manuscript names had been inadvertently published in this way and this had led to confusion. It was clearly desirable that in every paper the author should at least once give the full bibliographical reference for each name quoted or, failing that, the name of the author of the name and the date of the publication of the name.

2. The International Commission decided to deal with this matter in their report to the Tenth International Congress of Zoology, together with certain other matters liable to give rise to confusion through carelessness in the manner of publishing new names.<sup>1</sup> The question dealt with in the present *Declaration* was accordingly made the subject of paragraphs 108 and 110<sup>2</sup> of the report submitted by the Commission to the Congress. These

<sup>1</sup> The matters here referred to are dealt with in *Declaration 6*.

<sup>2</sup> Paragraph 109 of the Commission's report relates to the matters dealt with in *Declaration 6*. Paragraph 108 refers both to that matter and to the matter dealt with in the present *Declaration*.

paragraphs read as follows :—

108. The Commission in session unanimously voted to invite the attention of authors to the following provisions which are intended to reduce confusion :

110. (b) It is requested that an author who *quotes*<sup>3</sup> a generic name, or a specific name, or a subspecific name, shall add at least once the author and year of publication of the quoted name or a full bibliographic reference.

3. The report of the Commission containing the foregoing paragraphs was approved by the Section on Nomenclature at its joint meeting with the International Commission held at Budapest on 8th September 1927, against three dissenting votes. The *Comptes Rendus* of the Congress record that the discussion on the report was directed mainly to the amendment of Article 25 of the Code recommended in paragraphs 98 to 104 of that document. It may be concluded therefore that the dissenting votes were directed to that portion of the Commission's report and not the paragraphs quoted in paragraph 2 above. The report was thereupon submitted to the Tenth International Congress of Zoology by whom it was approved at the Concilium Plenum held at Budapest on 10th September 1927, the last day of the Congress.

4. The present *Declaration* was concurred in by the sixteen (16) Commissioners and Alternates<sup>4</sup> present at the Budapest Session of the International Commission, namely :—

Commissioners :—Apstein; Bather; Handlirsch; Hartert; Horváth; Jordan (K.); Lönnberg; Stejneger; and Stiles.  
 Alternates :—Rothschild *vice* Chapman; Goto *vice* Ishikawa; Howard *vice* Jordan (D. S.); Hedicke *vice* Kolbe; Muesebeck *vice* Stone; Mortensen *vice* Neveu-Lemaire; and Enriques *vice* Monticelli.

5. The following two (2) Commissioners who were neither present at the Budapest Session nor represented thereat by Alternates did not vote on the present *Declaration* :—

Dabbene; and Warren.

#### CERTIFICATE :

I, FRANCIS HEMMING, Secretary to the International Commission on Zoological Nomenclature, hereby CERTIFY that

<sup>3</sup> The word " quotes " was printed in italics in the Commission's report to contrast it with the word " publishes " in the preceding paragraph (paragraph 109). For the text of the latter paragraph, see *Declaration* 6.

<sup>4</sup> At the Budapest and all subsequent Sessions of the International Commission Alternates were accorded full voting rights.

the present *Declaration* has been compiled from the records of the Proceedings of the International Commission on Zoological Nomenclature at their Session held at Budapest in September 1927 during the Tenth International Congress of Zoology.

FRANCIS HEMMING

*Secretary to the International Commission  
on Zoological Nomenclature*

Secretariat of the Commission,  
at the British Museum (Natural History),  
Cromwell Road, LONDON, S.W.7.

16th June 1943.

### THE PUBLICATIONS OF THE COMMISSION.

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# OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

Secretary to the Commission

**VOLUME 1. Part 8. Pp. 57-64.**

## **DECLARATION 8**

On the need for giving in the case of zoological journals a clear indication of the date of publication of each number or part

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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION OF THE COMMISSION AT THE TIME OF THE ADOPTION OF DECLARATION 8

### The Officers of the Commission

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*Secretary* : Dr. Charles Wardell Stiles (U.S.A.).

### The Members of the Commission

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Dr. Ernst HARTERT (United Kingdom).

Dr. Geza HORVÁTH (Hungary).

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Dr. Karl JORDAN (United Kingdom).

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#### Class 1934

Dr. Anton HANDLIRSCH (Austria).

Professor David Starr JORDAN (U.S.A.).

Professor F. S. MONTICELLI (Italy) (*President of the Commission*).

Dr. Leonhard STEJNEGER (U.S.A.).

Dr. Witmer STONE (U.S.A.).

Dr. Ernest WARREN (Union of South Africa).





## DECLARATION 8.

### ON THE NEED FOR GIVING IN THE CASE OF ZOOLOGICAL JOURNALS A CLEAR INDICATION OF THE DATE OF PUBLICATION OF EACH NUMBER OR PART.

**DECLARATION.**—In view of the importance of knowing the exact date of publication of names and of the difficulty of establishing this date in certain publications, zoological journals are requested either to give on the first page of each number the actual date of publication or to give on the last page of each volume a statement as to the dates of publication of the separate numbers or parts.

At their Session held at Budapest in September 1927 during the Tenth International Congress of Zoology, the International Commission on Zoological Nomenclature recalled that at their Session held at Monaco in 1913 they had given preliminary consideration to the question of the confusion resulting from uncertainty regarding the dates of publication of new zoological names. The resolution on this subject adopted by the Commission at their Monaco Session <sup>1</sup> gave a clear indication to editors and authors of the action which should be taken in the case of separate works and of successive editions of such works. It gave no guidance, however, to the editors of zoological journals on the question of the dating of the numbers or parts in which those journals were published. This was a matter of considerable importance especially where there were considerable intervals between the issue of the numbers constituting a single volume.

2. The Commission had not been able for various causes to deal with these questions on the lines discussed in their report to the Monaco Congress, namely by formulating an amendment to the Code for consideration by the present (Tenth) International Congress. The *Declaration* adopted by the Commission at Monaco <sup>1</sup> had largely succeeded in its purpose, so far as separate works were concerned; and it appeared now to the Commission that the needs of the case would be met at least for the time being if they were on this occasion to adopt a formal *Declaration* dealing with the dating of parts of journals. The Commission accordingly

<sup>1</sup> See *Declaration* 3.

agreed to include a formal *Declaration* on this subject in their report to the Tenth International Congress of Zoology.

3. The passage on this subject in the Commission's report, which is set out in paragraphs 111 and 112 of that document, reads as follows :—

111. *Date of publication.*—In view of the importance of knowing the exact date of publication of names and of the difficulty of establishing this date in certain publications :

112. It was moved, seconded and unanimously voted that the Secretary request zoological journals either to give on the first page of each number the actual date of publication, or to give on the last page of each volume a statement as to the dates of the separate numbers or parts.

4. The report of the Commission containing the foregoing paragraphs was approved by the Section on Nomenclature at its joint meeting with the International Commission held at Budapest on 8th September 1927, against three dissenting votes. The *Comptes Rendus* of the Congress record that the discussion on the report was directed mainly to the amendment of Article 25 of the Code recommended in paragraphs 98 to 104 of that document. It may be concluded therefore that the dissenting votes were directed to that portion of the Commission's report and not to the paragraphs quoted in paragraph 3 above. The report was thereupon submitted to the Tenth International Congress of Zoology by whom it was approved at the Concilium Plenum held at Budapest on 10th September 1927, the last day of the Congress.

5. The present *Declaration* was concurred in by the sixteen (16) Commissioners and Alternates<sup>2</sup> present at the Budapest Session of the International Commission, namely :—

Commissioners :—Apstein; Bather; Handlirsch; Hartert; Horváth; Jordan (K.); Lönnberg; Stejneger; and Stiles.  
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6. The following two (2) Commissioners, who were neither present at the Budapest Session nor represented thereat by Alternates did not vote on the present *Declaration* :—

Dabbene; and Warren.

<sup>2</sup> At the Budapest and all subsequent Sessions of the International Commission Alternates were accorded full voting rights.

CERTIFICATE :

I, FRANCIS HEMMING, Secretary to the International Commission on Zoological Nomenclature, hereby CERTIFY that the present *Declaration* has been compiled from the records of the Proceedings of the International Commission on Zoological Nomenclature at their Session held at Budapest in September 1927 during the Tenth International Congress of Zoology.

FRANCIS HEMMING

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on Zoological Nomenclature*

Secretariat of the Commission,  
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17th June 1943.

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ZOOLOGICAL NOMENCLATURE**

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

*Secretary to the Commission*

**VOLUME 1. Part 9. Pp. 65-71**

**DECLARATION 9**

On the desirability of Universities including  
zoological nomenclature in their courses of  
general and systematic zoology

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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION OF THE COMMISSION AT THE TIME OF THE ADOPTION OF *DECLARATION 9*

### The Officers of the Commission

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*Secretary* : Dr. Charles Wardell Stiles (U.S.A.).

### The Members of the Commission

#### *Class 1931*

Dr. F. A. BATHER (United Kingdom).

Dr. Frederick CHAPMAN (Australia).

Dr. Roberto DABBENE (Argentina).

Dr. Karl JORDAN (United Kingdom) (*President of the Commission*).

Herr Professor Dr. H. J. KOLBE (Germany).

Monsieur le Professeur N. NEVEU-LEMAIRE (France).

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Dr. Witmer STONE (U.S.A.).

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Dr. Geza HORVÁTH (Hungary).

Professor Chiyomatsu ISHIKAWA (Japan).

Dr. Charles Wardell STILES (U.S.A.) (*Secretary to the Commission*).





## DECLARATION 9.

### ON THE DESIRABILITY OF UNIVERSITIES INCLUDING ZOOLOGICAL NOMENCLATURE IN THEIR COURSES OF GENERAL AND SYSTEMATIC ZOOLOGY.

**DECLARATION.**—The International Commission on Zoological Nomenclature suggest that at least every course of lectures in general zoology should contain a reference to the existence of the Rules embodied in the International Code of Zoological Nomenclature and that advanced courses in systematic zoology should contain a discussion of at least the principles and practices of zoological nomenclature.

At their Session held at Padua in 1930 during the Eleventh International Congress of Zoology, the International Commission on Zoological Nomenclature had under review the main causes leading to confusion in zoological nomenclature. It appeared to the Commission that in the form that it had then (1930) reached the International Code of Zoological Nomenclature provided for the elimination of most of the causes that had formerly led to confusion and that what was chiefly required was the wider diffusion of knowledge among professional zoologists regarding the International Code and the principles upon which it was based. In framing their report to the Eleventh International Congress of Zoology, the Commission accordingly devoted two paragraphs (paragraphs 28 and 29) to this subject.

2. Paragraphs 28 and 29 of the Commission's report read as follows :—

28. *Causes for Confusion in Nomenclature.*—There are many causes for confusion on zoological names. The present Rules provide for the elimination of most of these confusing factors. The ultimate result as respects uniformity in scientific names depends upon the practical application of the Rules to the problems at hand. In order to be able to apply the Rules, zoologists must know at least of their existence and of their fundamental nature. To this end the Commission suggests that at least every course of lectures in General Zoology contain a reference to the existence of the Rules and that advanced courses in Systematic Zoology contain a discussion of at least the Principles and Practices of Zoological Nomenclature.

29. It is interesting and significant that a few Universities now give a series of four to ten lectures on the International Rules to their advanced students in Zoology, for instance to candidates for the degrees of Magister and of Doctor.

3. The report of the Commission containing the foregoing paragraphs was approved by the Section on Nomenclature at its joint meeting with the International Commission held at Padua on 10th September 1930. The report was then submitted to the Eleventh International Congress of Zoology by whom it was unanimously approved and adopted at the final Concilium Plenum of the Congress at Padua.

4. The present *Declaration* was concurred in by the eighteen (18) Commissioners and Alternates present at the Padua Session of the International Commission, namely:—

Commissioners:—Apstein; Bather; Bolivar y Pieltain; Horváth; Jordan (K.); Stejneger; and Stiles.

Alternates:—Robson *vice* Chapman; Johannsen *vice* Dabbene; Mortensen *vice* Handlirsch; Stephenson *vice* Hartert; Uchida *vice* Ishikawa; Stunkard *vice* Jordan (D. S.); Richter *vice* Kolbe; Pellegrin *vice* Neveu-Lemaire; Khalil *vice* Silvestri; Ackert *vice* Stone; Parker *vice* Warren.

#### CERTIFICATE :

I, FRANCIS HEMMING, Secretary to the International Commission on Zoological Nomenclature, hereby CERTIFY that the present *Declaration* has been compiled from the records of the Proceedings of the International Commission on Zoological Nomenclature at their Session held at Padua in September 1930 during the Eleventh International Congress of Zoology.

FRANCIS HEMMING

*Secretary to the International Commission  
on Zoological Nomenclature*

Secretariat of the Commission,  
at the British Museum (Natural History),  
Cromwell Road, LONDON, S.W.7.

17th June 1943.

## THE PUBLICATIONS OF THE COMMISSION.

(obtainable at the Publications Office of the Commission at 41, Queen's Gate, London, S.W.7.)

### Bulletin of Zoological Nomenclature.

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- (a) proposals on zoological nomenclature submitted to the Commission for deliberation and decision ;
- (b) comments received from, and correspondence by the Secretary with, zoologists on proposals published in the *Bulletin* under (a) above : and
- (c) papers on nomenclatorial implications of developments in taxonomic theory and practice.

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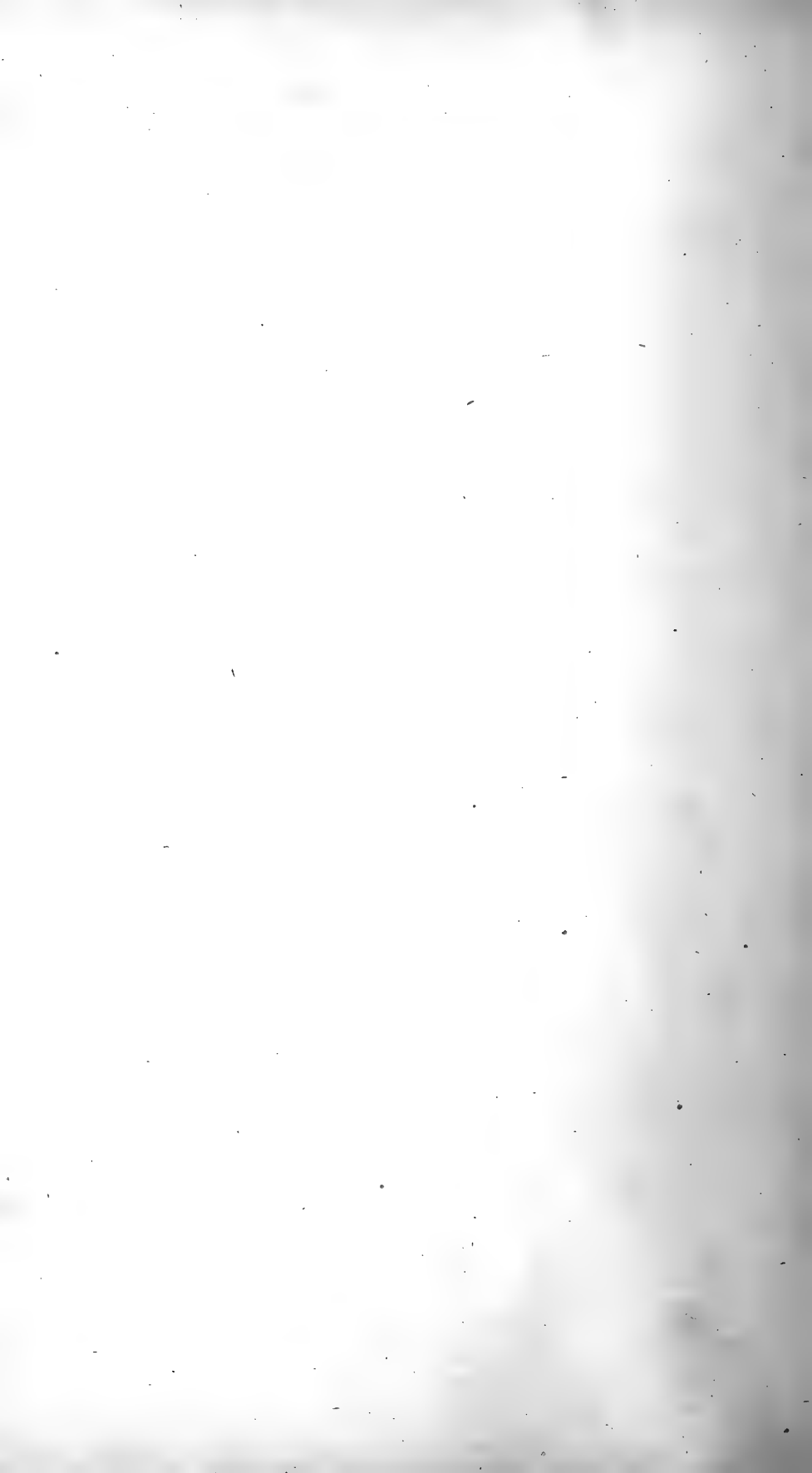
*Volume 2* commences with *Declaration* 10 and *Opinion* 134. Parts 1-21 (containing *Declarations* 10 and 11 and *Opinions* 134-152) have so far been published. The titles of these *Opinions* are given on the wrappers to Parts 1 and 2 of the *Bulletin*. Other Parts will be published shortly.

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ENABLE THE INTERNATIONAL COMMISSION TO  
CONTINUE ITS WORK**

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# OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

Secretary to the Commission

**VOLUME 1. Part 10. Pp. 73-86.**

## **OPINION 1**

The meaning of the word "indication" in proviso (a) to Article 25 of the International Code, as respects names published on, or before, 31st December 1930

**LONDON:**

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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION OF THE COMMISSION AT THE TIME OF THE ADOPTION OF *OPINION 1*

### The Officers of the Commission

*President* : Professor Raphael Blanchard (France).

*Executive Secretary* : Dr. Charles Wardell Stiles (U.S.A.).

*Recording Secretary* : Professor F. C. von Maehrenthal (Germany).

### The Members of the Commission

#### *Class 1907*

Dr. H. HORST (Netherlands).

Dr. F. A. JENTINK (Netherlands).

Professor David Starr JORDAN (U.S.A.).

Herr Geheimrat Dr. F. E. SCHULZE (Germany).

Dr. Leonhard STEJNEGER (U.S.A.).

#### *Class 1910*

Monsieur le Professeur Raphael BLANCHARD (France) (*President of the Commission*).

Monsieur le Professeur L. JOUBIN (France).

Dr. Charles Wardell STILES (U.S.A.) (*Executive Secretary to the Commission*).

Dr. Th. STUDER (Switzerland).

Professor R. Ramsay WRIGHT (Canada).

#### *Class 1913*

Monsieur le Professeur Ph. DAUTZENBERG (France).

Professor William Evan HOYLE (United Kingdom).

Dr. L. von GRAFF (Austria-Hungary).

Professor F. C. von MAEHRENTHAL (Germany) (*Recording Secretary to the Commission*).

Professor F. OSBORN (U.S.A.).



## OPINION 1.

THE MEANING OF THE WORD "INDICATION" IN PROVISO (a) TO ARTICLE 25 OF THE INTERNATIONAL CODE, AS RESPECTS NAMES PUBLISHED ON, OR BEFORE, 31ST DECEMBER 1930.

SUMMARY.—As respects names published on, or before, 31st December 1930,<sup>1</sup> the word "indication" in the proviso to Article 25 is to be construed as follows :—

(A) With regard to *specific*<sup>2</sup> names, an "indication" is :—

- (1) a bibliographic reference, or
- (2) a published figure (illustration), or
- (3) a definite citation of an earlier name for which a new name is proposed.

(B) With regard to *generic* names,

- (1) a bibliographic reference, or
- (2) a definite citation of an earlier name for which a new name is proposed, or
- (3) a definite citation or designation<sup>3</sup> of a type species.

In no case is the word "indication" to be construed as including museum labels, museum specimens or vernacular names.

*Editorial notes by Francis Hemming, Secretary to the International Commission on Zoological Nomenclature.*

### NOTE I.

This *Opinion* was unanimously adopted by the International Commission on Zoological Nomenclature at their Session held at Boston in August 1907.

2. The following eight (8) Members of the Commission were present at that Session and accordingly voted in favour of this *Opinion* :—

<sup>1</sup> For an explanation of the reason why this *Opinion* applies only to names published on, or before, 31st December 1930, see NOTE 3 on pages 76 to 78.

<sup>2</sup> For a discussion regarding the sense in which the word "specific" is here used, see NOTE 4 on page 78.

<sup>3</sup> The important distinction between the words "citation" and "designation" as here used is discussed in NOTE 5 on pages 79 to 82.

Blanchard; von Graff; Hoyle; Jordan (D. S.); Osborn; Stejneger; Stiles; and Studer.

3. The following seven (7) Members of the Commission were not present at the Boston Session of the International Commission and accordingly did not vote on the present *Opinion* :—

Dautzenberg; Horst; Jentink; Joubin; Maehrenthal; Schulze; and Wright.

#### NOTE 2.

This *Opinion* was first published on 18th October 1907 in *Science*, New York **26** : 522. It was next published in the report submitted by the International Commission on Zoological Nomenclature to the Seventh International Congress of Zoology which appeared in the *Proceedings* of that Congress issued in 1912. In the meanwhile, it had been reprinted in July 1910 (*Smithsonian Publication* **1938** : 5) when the Smithsonian Institution first undertook to publish the *Opinions* rendered by the International Commission on Zoological Nomenclature.

#### NOTE 3.

The subject dealt with in this *Opinion* was considered in greater detail by the International Commission on Zoological Nomenclature at their Session held at Budapest in September 1927 during the Tenth International Congress of Zoology. As the result the International Commission recommended to the Congress that Article 25 of the International Code should be amended to include more precise provisions relating to the meaning to be attached to the expression "indication" by the addition of a new proviso to that Article (proviso (c)). The Commission recommended that this new proviso should apply only to names published after 31st December 1930, a period of over three years' grace being given thereby to enable authors to acquaint themselves with the new provisions. At the same time, the Commission recommended that the phrase "(prior to 1st January 1931)" should be inserted after the word "that" in the first line of proviso (a) to Article 25, thereby expressly indicating that up to that date the expression "indication" in relation to that proviso should continue to bear the meaning which applied to it prior to this amendment of Article 25. These amendments to Article 25 were approved by the Tenth International Congress of Zoology at the final Concilium Plenum held at Budapest on 10th September 1927, the last day of the Congress.

2. In the report which the International Commission submitted to the Tenth International Congress of Zoology, they stated (paragraph 91) that "As early as 1907 the Commission had under consideration the question whether it would not be wise to provide that no name should be admitted as available under the rules unless it were accompanied, either directly or through bibliographic reference, by a diagnosis or verbal characterization of the unit and that, further, no generic name should be recognized unless the proposing author gave also by original designation definite citation of the type species." After explaining the reasons which had prompted them to proceed with caution in this matter, the Commission stated that the time had, in their judgment, arrived when the sentiment of the zoological profession would support an amendment of the Code in this sense. The Commission accordingly recommended that Article 25 of the Code should be amended to read as follows <sup>4</sup> :—

*ARTICLE 25.* The valid name of a genus or of a species can be only that name under which it was first designated on the condition :—

- (a) that (*prior to 1st January 1931*) this name was published and accompanied by an indication, or a definition, or a description; and
- (b) that the author has applied the principles of binary nomenclature; *but*
- (c) *that no generic name nor specific name published after 31st December 1930, shall have any status of availability (hence also of validity) under the rules, unless and until it is published, either :—*
  - (1) *with a summary of characters (seu diagnosis; seu definition; seu condensed description) which differentiate or distinguish the genus or the species from other genera or species; or*
  - (2) *with a definite bibliographic reference<sup>5</sup> to such summary of characters (seu diagnosis; seu definition; seu condensed description); and further*
  - (3) *in the case of a generic name, with the definite unambiguous designation of the type species (seu genotype; seu autogenotype; seu orthotype).*

3. In the following paragraph (paragraph 105) of their report to the Congress, the International Commission gave the following additional particulars regarding the effect of the foregoing amendment, if approved by the Congress :—

105. In order to preclude misunderstanding, the Commission invites special attention to the point that Article 25 is not changed in its applica-

<sup>4</sup> The words added to Article 25 by the amendment recommended by the International Commission are here printed in *italics*.

<sup>5</sup> For an explanation of the expression "definite bibliographic reference" as here used in Article 25, see *Opinion 138*.

tion to generic and specific names published prior to 1st January 1931; but, effective at midnight between 31st December 1930 and 1st January 1931, Greenwich time, no name (1) based solely upon illustrations (figures), or (2) based solely upon bibliographic references to illustrations, or (3) based solely on the designation of a genotype or (4) proposed in anatomical, embryological, histological, morphological, pathological and physiological discussions, but (1, 2, 3, 4) without a summary of characters, is to be recognized *until* some author publishes a summary of characters defining the name, and under these conditions the later author (not the author who proposes the name without complying with the rules) becomes automatically the author of the name, unless the later author quotes the first author as authority.

4. The effect of the adoption by the International Congress of Zoology of the amendment to Article 25 set out in paragraph 2 above was that, as from midnight 31st December 1930/1st January 1931:—

- (a) the provisions of *Opinion* 1 applied only to names published on, or before, 31st December 1930; and
- (b) the more rigorous provisions contained in proviso (c) to Article 25 applied to names published on, or after, 1st January 1931.

5. In consequence of the above, the words "as respects names published on, or before, 31st December 1930" have been added to the title of *Opinion* 1 and at the beginning of the "summary" of that *Opinion*.

#### NOTE 4.

Article 2 of the International Code provides, *inter alia*, that "the scientific designation of animals is . . . binominal for species." Thus the scientific designation of an animal consists of two words, which together constitute the "specific name" (nomen specificum) of the species. The first of these names, which is shared with all species regarded as congeneric, is the "generic name" (nomen genericum) of the species; the second of these names, which is peculiar to the species so named, is the "trivial name" (nomen triviale) of the species. Example: The name *Ursus arctos* was given to the Brown Bear by Linnaeus in 1758 (*Syst. Nat.* (ed. 10) 1: 47). The words "*Ursus arctos*" together constitute the "specific name" of the Brown Bear. The word "*Ursus*" is the "generic name" of that species; the word "*arctos*" is the "trivial name" of that species.

2. Formerly, the expression "specific name" was sometimes used loosely to denote the "nomen triviale" of a species, not-

withstanding the fact that strictly that expression should be reserved for use for the combination of generic and trivial names which together constitute the "specific name" of a species. It should be noted that the expression "specific names" was used in this loose sense in Section (A) of *Opinion 1*, where it is contrasted with the expression "generic names" in Section (B). As used in *Opinion 1*, the expression "specific names" is identical in meaning with the expression "trivial names," which would have been the more accurate expression to employ.

## NOTE 5.

For *generic* names published in the period from 1st January 1758<sup>6</sup> to 31st December 1930 (inclusive), *Opinion 1* is of very great importance, since it contains the authoritative definition of the meaning of the expression "indication" as used in proviso (a) to Article 25 of the International Code. All generic names published during that period with a diagnosis, definition or description clearly were published with the necessary "indication" and *Opinion 1* is concerned not with names falling in this class but with the very numerous *generic* names published on, or before, 31st December 1930 without either a diagnosis or a definition or a description. *Opinion 1* lays down three tests by which such names are to be judged. A name which satisfies any one of these three tests satisfies also proviso (a) of Article 25; hence, if the author of such a name was an author who "applied the principles of binary nomenclature," the generic name in question is available nomenclatorially under the Code. It follows that every generic name published in the period in question which fails to satisfy one or other of the three tests laid down in *Opinion 1* is unavailable under the Code until such later date as that name is republished in circumstances which satisfy the provisions of *Opinion 1*.

2. A very large number of generic names in practically every branch of the Animal Kingdom was published without diagnosis, definition or description in the period 1st January 1758 to 31st December 1930. Every such name must be judged by the tests laid down in *Opinion 1* before it can be accepted as available nomenclatorially under the Code. It is necessary therefore to study closely the three tests here in question.

3. *Test (1)* is that there should be published with the new generic

<sup>6</sup> For the acceptance of 1st January 1758, as the starting point of zoological nomenclature, see *Opinion 3*.

name "a bibliographic reference." Such a reference to a diagnosis, definition or description in a previously published work is equivalent to the publication with the new generic name of the diagnosis, definition or description given in the work to which reference is made. The application of this test presents therefore no difficulty.

4. *Test (2)* is that there should be published with the new generic name "a definite citation of an earlier name for which a new name is proposed." This test applies therefore to a name proposed as a earlier name regarded (either rightly or wrongly) as unavailable nomenclatorially by the author who published the new name.

5. *Test (3)* is that there should be published with the new generic name "a definite citation or designation of a type species." It is necessary here to note that *Test (3)* is divided into two parts and that a new generic name satisfies this *Test* if it satisfies *either* of these parts. The first part is the "definite citation . . . of a type species"; the second part is the "definite . . . designation of a type species." The meaning of the expression "definite designation" of a type species calls for no comment, since there is no possible doubt as to its meaning.

6. The expression "definite citation" of a type requires more careful examination. In the absence of express provision to the contrary, it might be argued that in this connection the expression "citation" was synonymous with the expression "designation" and that the use of these two expressions in *Test (3)* was no more than a piece of legalistic verbiage. On the other hand, it could be held that these two expressions were used in juxtaposition in order to draw attention to two contrasted, though allied, meanings; and that the expression "citation" of a type was inserted to cover those cases where the type of a genus is "accepted solely upon the basis of the original publication," i.e. the cases covered by Article 30(I) of the Code, other than cases (a) and (b), which are concerned with cases where the type is determined "by original designation." Under this interpretation, the expression "citation" of a type species covers cases where an author gives no diagnosis, definition, or description and designates no species as the type but *either* places one species only in the genus (which is therefore the type by monotypy), *or* places in the genus a species possessing the generic name as its specific or subspecific name (either as a valid name or as a synonym), which is therefore the type "by absolute tautonymy." According to this view, the word "designation" of a type of a genus as used in *Opinion 1*

refers to the processes described in sub-paragraphs (a) and (b) of Article 30(I), while the word "citation" as there used refers to the processes described in sub-paragraphs (c) and (d) of that part of Article 30.

7. *Opinion 1* would have been open to serious criticism on the ground of ambiguity if the Commission had failed to make clear in which of these two ways the expression "citation" (as used in that *Opinion*) is to be interpreted. Fortunately, any doubts which might have arisen on this subject are completely set at rest by the Commission's discussion in *Opinion 17* relating to the genera published by Weber, 1795, *Nomenclator entomologicus secundum Entomologiam systematicam ill. Fabricii adjectis speciebus recens detectis et varietatibus*. In that discussion the Commission took as an example the new generic name *Orithuja* published by Weber in that work (:93). The data so cited consist of the words "*ORITHUJA mammilaris* (Cancer F.)." As regards this, the Commission stated: "This clearly means that *mammilaris* is the *Cancer mammilaris* as given by Fabricius in his *Entomologia systematica* and as *Orithuja* is cited with only one species, *Orithuja* is a monotypic genus, hence it is given with a definite "citation or designation of a type species," therefore it is published in accordance with the provisions of Article 25 and must be considered." A little further on in the same discussion the Commission took as an example the name *Pallinurus* Weber, 1795 (:94)<sup>7</sup> for the purpose of showing that, where an author includes in a new genus only one described species, the genus is monotypical, even if that author also cites under that genus one or more manuscript trivial names. The Commission pointed out that a new generic name so published is available under the International Code, even if its author gave no diagnosis or description, since the name complies with the requirements of *Opinion 1*, as the author of the name gave a "citation" of a type for the genus within the meaning of the expression "citation" as used in that *Opinion*.

8. When, therefore, *Opinion 1* is read with *Opinion 17*, it becomes absolutely clear that the first-named *Opinion* lays it down that any generic name published in the period 1st January 1758 to 31st December 1930 (both dates inclusive) without a diagnosis,

<sup>7</sup> The actual example selected by the Commission in *Opinion 17* (namely the name *Pallinurus* Weber) to exemplify the point which they wished to make was an unfortunate choice, since, in fact, Weber included two, not one, described species in the genus *Pallinurus* Weber. See NOTE 6 on page 82.

definition or description or a bibliographical reference thereto must be considered nomenclatorially if its type is "accepted solely upon the basis of the original publication" (Article 30(I), i.e. if the type is fixed "by original designation" (sub-paragraphs (a) and (b)), or if the genus is "monotypical" (sub-paragraph (c)), or if the type is fixed "by absolute tautonymy" (sub-paragraph (d)). It follows that any such name, if not a homonym or a synonym of some previously published name, is available nomenclatorially under the Code, provided that it was published by an author who "applied the principles of binary nomenclature" (proviso (b) to Article 25). Conversely, any new generic name published in the above period (i) without a diagnosis, definition or description or a bibliographical reference thereto and (ii) with two or more published species, none of which (a) is designated as the type or (b) has a name tautonymous with the generic name, is unavailable nomenclatorially under the Code. A name so rejected is a *nomen nudum*, that is to say: it has no status (and therefore no availability) as from the date on which it was so published and any subsequent author is free to republish the name in question in any sense that he may choose. A name so republished is available under the Code as from the date of its republication, provided that it complies with the requirements of Article 25.

## NOTE 6.

As explained in paragraph 7 of NOTE 5 above,<sup>8</sup> the International Commission in *Opinion 17* took the name *Pallinurus* Weber, 1795 (*Nomencl. ent. Fabric.*: 94) as an example of a generic name which an author published as a new name without diagnosis, definition or description or a bibliographical reference thereto and in which the author had placed only one described species, though he added also the manuscript trivial names of one or more other species.

2. An examination of Weber's *Nomenclator* shows that the statement that he included the name of only one described species in the genus *Pallinurus* is incorrect. Weber considered that there were four species referable to this genus, not three as stated in *Opinion 17*. Of the trivial names given by Weber for these species, the second and third were manuscript names, namely *ornatus* (not mentioned in *Opinion 17*) and *fasciatus*. The fourth name was *Pallinurus quadricornis*, which (as stated in *Opinion 17*) was a nom.

<sup>8</sup> See page 81.



nov. pro *Astacus elephas* Fabricius, 1787, *Mantissa Ins.* 1 : 331. The trivial name of the first of the species cited by Weber under the generic name *Pallinurus* is "*Homarus* S.", the letter "S" standing for the "Supplementum" of Fabricius, which was then in manuscript and was actually published three years later in 1798. The trivial name "*homarus*" given by Weber is not (as stated in *Opinion 17*) a manuscript name of Weber's but undoubtedly stands for the species *Cancer homarus* Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1 : 633, which, on two occasions prior to the publication of Weber's *Nomenclator*, Fabricius had placed in the genus *Astacus*, the genus in which he again placed this species in his "Supplementum" (Fabricius, 1798, *Suppl. Ent. syst.* : 400). The two previous occasions were Fabricius, 1775, *Syst. Ent.* : 414 and 1793, *Ent. syst.* 2 : 479. It should be noted that Weber expressly stated in a marginal note (: 94) that the genus *Pallinurus* represented part of the genus "*Astacus* F."

3. Thus, *Pallinurus* Weber, 1795, is not (as stated in *Opinion 17*) a monotypical genus. In view therefore of the fact that Weber did not give for this genus a diagnosis, definition or description or a bibliographical reference to such a diagnosis, definition or description and did not either designate or cite a type for the genus, the name *Pallinurus* Weber fails to satisfy the requirements of *Opinion 1* and cannot be regarded as having been published with an "indication" within the meaning of proviso (a) to Article 25 of the International Code. Accordingly, the name *Pallinurus* Weber, 1795, is unavailable under the Code. The same name with the slightly different spelling *Palinurus* is, however, available for this genus as from 1798, when it was published by Fabricius (1798, *Suppl. Ent. syst.* : 376, 400-401). A long description of the genus was given by Fabricius on page 376 but he there cited no species. On page 400, however, he gave a short diagnosis of the genus, accompanied, on that page and page 401, with descriptions of species.

4. It is unfortunate that the name *Pallinurus* Weber, 1795, should have been chosen as an illustration of a genus which was monotypical by reason of the fact that, of two or more species included by the original author, only one had a published trivial name, the others having only manuscript trivial names. As an example, the case of *Pallinurus* Weber is now seen to be defective; but this fact in no way detracts from the force of the proposition which the Commission were seeking (in *Opinion 17*) to illustrate, namely that, if an author, when publishing the name of a new

genus, includes in that genus any number of manuscript trivial names but only one described species, the genus is monotypical; that in such a case the author had "cited" a type species for the genus within the meaning of Section (B)(3) of *Opinion 1*; and therefore that, even if the author gave no diagnosis, or definition or description of the genus and cited no bibliographical reference to any such diagnosis, definition, or description, the generic name so published satisfies the requirements of proviso (a) of Article 25 of the International Code and is available nomenclatorially under the International Code, unless it is unavailable by reason of being either a homonym or a synonym of a previously published generic name.

5. For the reason explained in paragraph 4 of NOTE 3 above,<sup>9</sup> the proposition discussed above is valid only in respect of generic names published in the period up to, and including, 31st December 1930, the last day prior to the coming into operation of the amendment of Article 25 of the International Code adopted by the Tenth International Congress of Zoology at Budapest in September 1927.

FRANCIS HEMMING

*Secretary to the International Commission  
on Zoological Nomenclature*

Secretariat of the Commission,  
at the British Museum (Natural History),  
Cromwell Road, LONDON, S.W.7.

21st November 1943.

<sup>9</sup> See page 78 above.

**THE PUBLICATIONS OF THE COMMISSION.**

(obtainable at the Publications Office of the Commission at 41, Queen's Gate, London, S.W.7.)

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# OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

Secretary to the Commission

**VOLUME 1. Part II. Pp. 87-94.**

## **OPINION 2**

The nature of a systematic name

**LONDON :**

Printed by Order of the International Commission on  
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1944

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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION OF THE COMMISSION AT THE TIME OF THE ADOPTION OF *OPINION 1*

### The Officers of the Commission

*President* : Professor Raphael Blanchard (France).

*Executive Secretary* : Dr. Charles Wardell Stiles (U.S.A.).

*Recording Secretary* : Professor F. C. von Maehrenthal (Germany).

### The Members of the Commission

#### Class 1907

Dr. H. HORST (Netherlands).

Dr. F. A. JENTINK (Netherlands).

Professor David Starr JORDAN (U.S.A.).

Herr Geheimrat Dr. F. E. SCHULZE (Germany).

Dr. Leonhard STEJNEGER (U.S.A.).

#### Class 1910

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Monsieur le Professeur L. JOUBIN (France).

Dr. Charles Wardell STILES (U.S.A.) (*Executive Secretary to the Commission*).

Dr. Th. STUDER (Switzerland).

Professor R. Ramsay WRIGHT (Canada).

#### Class 1913

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Professor William Evan HOYLE (United Kingdom).

Dr. L. von GRAFF (Austria-Hungary).

Professor F. C. von MAEHRENTHAL (Germany) (*Recording Secretary to the Commission*).

Professor F. OSBORN (U.S.A.).



## OPINION 2.

### THE NATURE OF A SYSTEMATIC NAME.

**SUMMARY.**—The Commission is unanimously of the opinion that a *name*, in the sense of the Code, refers to the designation by which the actual objects are known. In other words, we name the objects themselves, not our conception of said objects. Names based upon hypothetical forms have, therefore, no status in nomenclature and are not in any way entitled to consideration under the Law of Priority. Examples: *Pithecanthropus* Haeckel, 1866,<sup>1</sup> being the name of an hypothetical genus, has no status under the Code, and does not invalidate *Pithecanthropus* Dubois, 1894<sup>2</sup>; *Gigantopora minuta* Looss, 1907,<sup>3</sup> *n. g., n. sp.*, has no status under the Code, since it is admittedly the name of a fantastic unit, not based upon any actual objects.

*Editorial Notes by Francis Hemming, Secretary to the International Commission on Zoological Nomenclature.*

#### NOTE I.

This *Opinion* was unanimously adopted by the International Commission on Zoological Nomenclature at their Session held at Boston in August 1907.

2. The following eight (8) Members of the Commission were present at that Session and accordingly voted in favour of this *Opinion* :—

Blanchard; von Graff; Hoyle; Jordan (D. S.); Osborn; Stejneger; Stiles; and Studer.

3. The following seven (7) Members of the Commission were not

<sup>1</sup> *Pithecanthropus* Haeckel, 1866, *Gen. Morphol.* 2: clx.

<sup>2</sup> *Pithecanthropus* [Dubois], 1894 (April), *Versl. Mijuw.*, 4<sup>e</sup> Kwart. 1893 (*Suppl. to Javasche Courant* No. 32): 14; Dubois, 1894 [? June], *Pithecanthropus erectus, eine menschenaehnliche Uebergansform aus Java*: 1. [As these references show, this name was published anonymously by Dubois in April of the same year (1894) as that in which he later published his main contribution to this subject.]

<sup>3</sup> *Gigantopora* Looss, 1907, *Zool. Anz.* 31: 610. Quite apart from the reasons given in the present *Opinion*, the name *Gigantopora* Looss, 1907, would have been invalid, since it is a homonym of *Gigantopora* Ridley, 1881, *Proc. zool. Soc. Lond.* 1881: 47 (Bryozoa).

present at the Boston Session of the International Commission and are not recorded as having voted on the present *Opinion* :—

Dautzenberg; Horst; Jentink; Joubin; Maehrenthal; Schulze; and Wright.

NOTE 2.

This *Opinion* was first published on 18th October 1907 in *Science*, New York 26 : 522. It was published also in the report submitted by the International Commission on Zoological Nomenclature to the Seventh International Congress of Zoology which appeared in the *Proceedings* of that Congress issued in 1912. In the meanwhile, it had been reprinted in July 1910 (*Smithsonian Publication* 1938 : 5-6) when the Smithsonian Institution first undertook to publish the *Opinions* rendered by the International Commission on Zoological Nomenclature.

NOTE 3.

This *Opinion* gives the Commission's interpretation of Article 25 of the International Code on a question not dealt with in express terms in that Article, namely the status (if any) for the purposes of the Law of Priority of names based upon hypothetical forms. In view of this *Opinion*, Article 25 is therefore to be interpreted as prescribing that names based upon hypothetical forms have no status in nomenclature and are therefore not entitled to any consideration under the Law of Priority. Such a name stands in relation to Article 25 in the same position as a *nomen nudum*, that is to say : it has no status (and therefore no availability) as from the date on which it was so published and any subsequent author is free to republish the name in question in any sense that he may choose. A name so republished is available under the Code, provided that it complies with the requirements of Article 25 and, in the case of names published on, or before, 31st December 1930, the requirements of *Opinion* 1.<sup>4</sup>

FRANCIS HEMMING

*Secretary to the International Commission  
on Zoological Nomenclature*

Secretariat of the Commission,  
at the British Museum (Natural History),  
Cromwell Road, LONDON, S.W.7.

8th January 1944.

<sup>4</sup> See pp. 75-84 above.

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- (b) comments received from, and correspondence by the Secretary with, zoologists on proposals published in the *Bulletin* under (a) above: and
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*Volume 2* commences with *Declaration 10* and *Opinion 134*. Parts 1-25 (containing *Declarations 10-12* and *Opinions 134-155*) have so far been published. The titles of these *Opinions* are given on the wrappers to Parts 1 and 2 of the *Bulletin*. Other Parts will be published shortly.

## AN URGENT APPEAL FOR A FUND OF £1800 TO ENABLE THE INTERNATIONAL COMMISSION TO CONTINUE ITS WORK

The International Commission on Zoological Nomenclature urgently appeal for grants to the above Fund to Museums, Research Institutes and other Institutions concerned with any branch of zoology ; to Learned Societies and Associations concerned with any aspect of zoology ; to Institutions and Learned Societies in the fields of Agriculture, Horticulture, Medicine and Veterinary Science, all of whom have a direct interest in that portion of the work of the Commission which is concerned with the stabilisation of Zoological Nomenclature ; to University and other Departments engaged in the teaching of zoology as being directly interested to secure stability in the scientific nomenclature used in biological text-books ; and to every individual zoologist who may be in a position to contribute to the funds of the Commission. Full particulars of the purposes for which the above Fund is required are given in Part 2 of the *Bulletin of Zoological Nomenclature*.

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**OPINIONS AND DECLARATIONS  
RENDERED BY THE INTER-  
NATIONAL COMMISSION ON  
ZOOLOGICAL NOMENCLATURE**

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**  
Secretary to the Commission

**VOLUME 1. Part 12. Pp. 95-102.**

**OPINION 3**

The status of publications dated 1758

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*Recording Secretary* : Professor F. C. von Maehrenthal (Germany).

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Professor F. OSBORN (U.S.A.).



### OPINION 3.

#### THE STATUS OF PUBLICATIONS DATED 1758.

**SUMMARY.**—The tenth edition of Linnaeus's *Systema Naturae* was issued very early in the year 1758. For practical reasons this date may be assumed to be 1st January 1758, and any other zoological publication bearing the date 1758 may be construed as having appeared subsequent to 1st January. In so far as the date is concerned, all such publications may therefore be construed as entitled to consideration under the Law of Priority.

*Editorial Notes by Francis Hemming, Secretary to the International Commission on Zoological Nomenclature.*

#### NOTE 1.

This *Opinion* was unanimously adopted by the International Commission on Zoological Nomenclature at their Session held at Boston in August 1907.

2. The following eight (8) Members of the Commission were present at that Session and accordingly voted in favour of this *Opinion* :—

Blanchard; von Graff; Hoyle; Jordan (D. S.); Osborn; Stejneger; Stiles; and Studer.

3. The following seven (7) Members of the Commission were not present at the Boston Session of the International Commission and are not recorded as having voted on the present *Opinion* :—

Dautzenberg; Horst; Jentink; Joubin; Maehrenthal; Schulze; and Wright.

#### NOTE 2.

This *Opinion* was first published on 18th October 1907 in *Science*, New York 26 : 522. It was published also in the report submitted by the International Commission on Zoological Nomenclature to the Seventh International Congress of Zoology which appeared in the *Proceedings* of the Congress issued in 1912. In the meanwhile it had been reprinted in July 1910 (*Smithsonian*

*Publication 1938* : 6) when the Smithsonian Institution first undertook to publish the *Opinions* rendered by the International Commission on Zoological Nomenclature.

### NOTE 3.

This *Opinion* gives the Commission's interpretation of an issue raised by Article 26 of the International Code. At the time when this *Opinion* was rendered (August 1907) Article 26 (Official English Translation <sup>1</sup>) read as follows :—

Article 26. The tenth edition of Linnaeus's *Systema Naturae*, 1758, is the work which inaugurated the consistent general application of binary nomenclature in zoology. The date 1758, therefore, is accepted as the starting point of zoological nomenclature and of the Law of Priority.

2. The foregoing text of Article 26 contained a slight ambiguity, in that it did not define the status to be accorded to a work published in 1758 prior to the publication of the 10th edition of the *Systema Naturae* of Linnaeus. In other words, this Article left it doubtful whether the starting point of zoological nomenclature and of the Law of Priority was (a) the 1st January 1758 or (b) the date (whatever it might be) in 1758 on which the 10th edition of the *Systema Naturae* was published. The second of these alternatives was the most natural interpretation to be given to the words used in Article 26; but, if this interpretation was the correct one, a practical difficulty would arise in determining the status of other systematic works published in 1758 (of which there were several), since it would often be a matter of difficulty—not to say impossibility—to determine whether a particular work was published in 1758 before or after the date of publication of the 10th edition of the *Systema Naturae*.

3. This, therefore, was the problem which faced the Commission in preparing *Opinion 3*. As will be seen from the text adopted by the Commission for this *Opinion*, they decided that the 10th edition of the *Systema Naturae* should be deemed to have been published on 1st January 1758 and in consequence that any work published in 1758 should be regarded as available for considera-

<sup>1</sup> The substantive (and therefore, in case of dispute, the only authoritative) text of the International Code is the French text. The English, German, and Italian texts have been approved by the International Congress of Zoology as Official Translations only.

tion under the Law of Priority, i.e. every new name published in any such work should be entitled to be taken into consideration under Article 25 of the Code.

4. This question was further considered by the Commission twenty-three years later at their Session held during the meeting of the Eleventh International Congress of Zoology at Padua in 1930. The Commission then proposed an amendment to Article 26 designed to state in express terms in that Article the substance of the interpretation which they had given in *Opinion 3*. This proposal was accordingly embodied in paragraph 19 of the report which the Commission unanimously agreed to submit to the Eleventh International Congress. The Commission's report was unanimously approved by the Section on Nomenclature of the Congress at its joint meeting with the International Commission held at Padua on 10th September 1930. The Commission's report was thereupon submitted to the Eleventh International Congress of Zoology by which it was unanimously approved and adopted at the final Concilium Plenum of the Congress at Padua.

5. The Official English Translation of the text of Article 26 as amended at Padua in 1930 reads as follows :—

Article 26. The tenth edition of Linné's *Systema Naturae*, 1758, is the work which inaugurated the consistent general application of binary nomenclature in zoology. For practical purposes the date 1st January 1758 is accepted in these rules as the starting point of zoological nomenclature and of the Law of Priority.

6. It will be noted that, in order to prevent the revised text of Article 26 from becoming unduly long, two points of detail dealt with in *Opinion 3* were not expressly incorporated in the new text of this Article but were left to be governed by *Opinion 3*, which accordingly was not revoked, as it would have been if the whole of its contents had been transferred to Article 26. The two points in question are the directions :—

- (i) that the date of publication of the 10th edition of the *Systema Naturae* of Linnaeus should be assumed to be 1st January 1758; and
- (ii) that any other zoological work bearing the date " 1758 " should be construed as having appeared subsequent to 1st January 1758.

In respect of these two matters, therefore, *Opinion* 3 remains the authoritative interpretation of Article 26 of the Code.

FRANCIS HEMMING

*Secretary to the International Commission  
on Zoological Nomenclature*

Secretariat of the Commission,  
at the British Museum (Natural History),  
Cromwell Road, LONDON, S.W.7.

9th January 1944.

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Secretary to the Commission

**VOLUME 1. Part 13. Pp. 103-114.**

**OPINION 4**

The status of names published as manuscript  
names

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## OPINION 4.

### THE STATUS OF CERTAIN NAMES PUBLISHED AS MANUSCRIPT NAMES.

**SUMMARY.**—Manuscript names<sup>1,2</sup> acquire standing in nomenclature when printed<sup>3</sup> in connection with<sup>4</sup> the provisions of Article 25, and the question as to their validity is not influenced by the fact whether such names are accepted or rejected by the author responsible for their publication.

*Editorial Notes by Francis Hemming, Secretary to the International Commission on Zoological Nomenclature.*

#### NOTE I.

*On the date of the adoption of Opinion 4.*

This *Opinion* was unanimously adopted by the International Commission on Zoological Nomenclature at their Session held at Boston in August 1907.

2. The following eight (8) Members of the Commission were present at that Session and accordingly voted in favour of this *Opinion* :—

Blanchard; von Graff; Hoyle; Jordan;<sup>5</sup> Osborn; Stejneger; Stiles; and Studer.

3. The following seven (7) Members of the Commission were not present at the Boston Session of the International Com-

<sup>1</sup> For a note on the limitation on this *Opinion* imposed by *Opinion* 5, see NOTE 3 below (pp. 106–107).

<sup>2</sup> For a note on the position of catalogue names in relation to the present *Opinion*, see NOTE 4 below (pp. 107–109).

<sup>3</sup> For a note on the use here of the expression “ printed,” see NOTE 5 below (p. 110).

<sup>4</sup> Most of the manuscript names the status of which is regulated by *Opinion* 4 were published long before the publication in 1905 of the International Code of Zoological Nomenclature. Accordingly, as respects such names the expression “ printed in connection with the provisions of Article 25 ” has the meaning “ printed in circumstances which would have complied with the provisions of Article 25 of the International Code, if the Code had been in existence at the time when the names in question were printed.”

<sup>5</sup> The Commissioner here referred to is the late Commissioner David Starr Jordan not Commissioner Karl Jordan, the present President of the Commission, who at the time of the adoption of *Opinion* 4 was not a member of the Commission.

mission and are not recorded as having voted on the present *Opinion* :—

Dautzenberg; Horst; Jentink; Joubin; Maehrenthal; Schulze; and Wright.

NOTE 2.

*On the date of the publication of Opinion 4.*

This *Opinion* was first published on 18th October 1907 in *Science*, New York **26** : 522. It was published also in the report submitted by the International Commission on Zoological Nomenclature to the Seventh International Congress of Zoology which appeared in the *Proceedings* of the Congress issued in 1912. In the meanwhile it had been reprinted in July 1910 (*Smithsonian Publication* **1938** : 6) when the Smithsonian Institution first undertook to publish the *Opinions* rendered by the International Commission on Zoological Nomenclature.

NOTE 3.

*On the relation of Opinion 5 to Opinion 4.*

*Opinion 4* is intended to be read jointly with *Opinion 5*,<sup>6</sup> since in certain respects the last-named *Opinion* restricts the scope of *Opinion 4*.

2. *Opinion 4* deals with the status of a manuscript name when published after 1757 in conditions which satisfy the provisions of Article 25 of the International Code, *i.e.* when the name in question is accompanied by an indication<sup>7</sup> or definition or description (proviso (a) to Article 25) and when in the work in which the name is published the author by whom the name is published applies the principles of binary nomenclature<sup>8</sup> (proviso (b) to Article 25).

3. No name which has not been "published" within the meaning to be attached to that expression as used in proviso (a) to Article 25, has any status under the International Code. Such a name stands therefore in relation to the Code in the same position

<sup>6</sup> See pp. 115-126 below.

<sup>7</sup> For the meaning to be attached to the expression "indication" as used in proviso (a) to Article 25 of the International Code in relation to names published before 1st January 1931, see *Opinion 1* (pp. 73-86 above).

<sup>8</sup> The question of the meaning to be attached to the expression "binary nomenclature" as used in the International Code is at present *sub judice*, as it was expressly referred to the International Commission on Zoological Nomenclature "for deliberation and report" by the Twelfth International Congress of Zoology at its meeting held at Lisbon in 1935. See 1943, *Bull. zool. Nomencl.* **1** : 45, 55.

as a manuscript name. Neither has such a name any availability (hence any validity) until such time as it is published in accordance with the provisions of Article 25. Thus, in the absence of express provision to the contrary, *Opinion 4* would have applied in its entirety to pre-1758 names when later republished in circumstances which satisfied the requirements of Article 25. Such a result would have been contrary to the intention of the Code and would inevitably have produced both confusion and inconvenience. In order to obviate such a result, the International Commission decided, when rendering *Opinion 4* (on the subject of the status of manuscript names) at the same time to render an *Opinion (Opinion 5)* on the subject of the status of pre-1758 names when later republished.

4. Accordingly, *Opinion 4* is to be interpreted as not applying to pre-1758 names when republished, the status of such names being regulated separately in *Opinion 5*.

#### NOTE 4.

##### *On the status of catalogue names under Opinion 4.*

*Opinion 1*, through its definition of the expression "indication" as used in proviso (a) to Article 25 of the International Code, lays it down *inter alia*, that, so long as a "specific name" (*i.e.*, a given combination of "generic" and "trivial" names) is either a purely "manuscript name" (*i.e.*, a name which has never appeared in print) or a name which has only been published as a "nomen nudum" (*i.e.*, has only appeared in print without an "indication"), that name has no status under the International Code and, therefore, no rights under the Law of Priority (Article 25). This applies equally to (i) the "generic" name and (ii) the "trivial" of which the "specific name" in question is composed, where the "generic name" as well as the "trivial name" has not previously been published with an "indication." Where in such a case the "generic name" comprised in the binominal combination constituting the "specific name" has previously been published with an "indication," *Opinion 4* applies only to (1) the manuscript or nude "specific name" (*i.e.*, the combination of "generic" and "trivial" names) and (2) to the "trivial" name itself.

2. The consideration of the status of manuscript and nude "specific names" is carried a stage further by *Opinion 4*, which

regulates the position of such names when published (in catalogues, synonymies, etc.) as rejected synonyms.

3. Under *Opinion 4*, a "specific name," which previously was invalid because it was either a "manuscript name" or had only been published as a "nomen nudum" (*i.e.*, without an "indication") becomes "available" under Article 25 when published as a synonym of a "specific name" which (either in the same, or in some previous work) had been duly published with an "indication" and is, therefore, itself an "available name."

4. It depends on the circumstances of the particular case whether a "manuscript name" or a name which previously had only been published as a "nomen nudum" becomes a "valid name" as well as an "available name" when published in a catalogue or synonymic list in the manner described above.

5. If the "specific name" with which the name which was previously a "manuscript name" or a *nomen nudum* is synonymised has not only been published with an "indication" but is also itself the oldest available name for the species concerned, then the former manuscript or nude name becomes a synonym of that name.

6. If, however, the "specific name" with which the name which was previously a "manuscript name" or a *nomen nudum* is synonymised is itself an invalid name by reason of being a homonym and if the species has no other previously published and available "specific name," then the former manuscript or nude name becomes the valid "specific name" for the species (unless it, in turn, is invalid by reason of being a homonym).

7. The practical application of the foregoing principles may be illustrated by the following concrete example drawn from the Order Coleoptera (Class Insecta). Gemminger and Harold, 1868, *Catalogus Coleopterorum* 3: 954, in dealing with the species *Leptinopterus ibex* (Billberg, 1820) cited the following synonyms:—

♂ *aries* Dej. *Cat., l.c.* p. 194.<sup>9</sup>

♂ *complanatus* Dej. *Cat., l.c.*

♂ *poliodontus* Dej. *Cat., l.c.*

♀ *politus* Hope *i. litt.*

*sarcorhamphus* Castn., *His. nat.* II. p. 172.

♀ *Wilsoni* Hope *i. litt.*

<sup>9</sup> The preceding reference in Gemminger and Harold shows that the reference here intended by those authors was to what they called the 3rd edition of the Dejean Catalogue. This so-called 3rd edition is, however, no more than a reprint of the 2nd edition, the stock of which had been destroyed by fire. Sherborn and others cite it as the 2nd edition. The page reference "194" cited by Gemminger and Harold is a misprint for "174".

8. Of the six synonyms included in the foregoing list, the trivial name *sarcorhamphus* Castelnau is the only one which at that time had been validly published with an "indication" under proviso (a) to Article 25. Of the remainder, three (3) (*aries*, *complanatus* and *poliodontus*) had previously been published as *nomina nuda*, while two (2) (*politus* and *wilsoni*) were nothing but "manuscript names."

9. Under *Opinion 4*, all the five foregoing "trivial names" are treated as having been published in combination with the "generic name" (*Leptinopterus*) of the species with which they were synonymised by Gemminger and Harold; all five of the "specific names" (combinations of "generic" and "trivial" names) so formed are made "available" by reason of having been published as synonyms of the previously published name *Lucanus ibex* Billberg, 1820, *Mém. Acad. imp. Sci. St. Pétersb.* 7: 382 tab. 12 fig. 1.

10. Assuming that *Lucanus ibex* Billberg, 1820, is not only the oldest available name for the species but is not invalid by reason of being a homonym, then all the five "specific names" discussed in paragraph 9 above are synonyms of that name.

11. If it were the case that *Lucanus ibex* Billberg, 1820, and *Lucanus sarcorhamphus* Castelnau, 1840, were both invalid names by reason of being homonyms of other identical combinations and if also there were no other previously published (and available) "specific name" for this species, then the correct "trivial name" for this species would be "*aries*," the first of the nude or manuscript trivial names cited by Gemminger and Harold in the synonymy of *Leptinopterus ibex* (Billberg, 1820). The correct "specific name" of the species in the hypothetical circumstances envisaged would, therefore, be *Leptinopterus aries* (Dejean M.S.) Gemminger and Harold, 1868.

12. In some groups the number of manuscript names and *nomina nuda* made available nomenclatorially through being published under (*i.e.* as synonyms of) described names is very large. In most cases such names constitute a heavy, expensive and unnecessary burden on the systematics of the group concerned. Occasionally, however, the publication of such names is of value, for example, when a manuscript name has been widely used in the exchange of specimens or for the purpose of identifying specimens in museums or other collections. The practice of distributing to correspondents specimens labelled with manuscript names is, however, one to be avoided.

## NOTE 5.

*On the use of the expression "printed" in the summary  
of Opinion 4.*

As shown by the words used in the summary this *Opinion* applies to all manuscript names when "printed" in connection with <sup>10</sup> Article 25 of the Code. It is therefore immaterial from the point of view of this *Opinion* whether the author, in whose work the manuscript name is printed, expressly points out that the name is a manuscript name. The *Opinion* applies equally to a case where an author published in connection with <sup>9</sup> Article 25 a name that had been previously proposed in manuscript but does not draw attention to the fact. Similarly, this *Opinion* applies to the case where an author publishes a name and attributes it to some author in the erroneous belief that it had previously been published by that author, whereas in fact the name was still a manuscript name. It will be seen therefore that the scope of this *Opinion* is rather wider than appears from the title which might be thought to imply that this *Opinion* deals only with cases where the author who publishes a manuscript name states expressly that he is so doing.

FRANCIS HEMMING

*Secretary to the International Commission  
on Zoological Nomenclature*

Secretariat of the Commission,  
at the British Museum (Natural History),  
Cromwell Road, LONDON, S.W.7.

10th May, 1944.

<sup>10</sup> See footnote 4.

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RENDERED BY THE INTER-  
NATIONAL COMMISSION ON  
ZOOLOGICAL NOMENCLATURE**

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

**Secretary to the Commission**

**VOLUME 1. Part 14. Pp. 115-126.**

**OPINION 5**

The status of certain pre-Linnean names  
reprinted subsequent to 1757

**LONDON :**

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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION OF THE COMMISSION AT THE TIME OF THE ADOPTION OF *OPINION 5*

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Professor F. OSBORN (U.S.A.).



## OPINION 5.

### THE STATUS OF CERTAIN PRE-LINNEAN NAMES REPRINTED SUBSEQUENT TO 1757.

**SUMMARY.**—A pre-Linnean<sup>1</sup> name, ineligible because of its publication prior to 1758, does not become eligible simply by being cited<sup>2</sup> or reprinted with its original diagnosis after 1757. To become eligible under the Code, such names must be re-inforced<sup>3</sup> by adoption or acceptance by the author publishing the reprint. Examples: The citation, subsequent to 1757, of a bibliographic reference to a paper published prior to 1758 does not establish technical names which may appear in said reference: synonymic citation of pre-Linnean names, as in the tenth edition of Linnaeus's *Systema Naturae*, does not establish such names under the Code.

*Editorial Notes by Francis Hemming, Secretary to the International Commission on Zoological Nomenclature.*

#### NOTE I.

*On the date of the adoption of Opinion 5.*

This *Opinion* was unanimously adopted by the International Commission on Zoological Nomenclature at their Session held at Boston in August 1907.<sup>4</sup>

2. The following eight (8) Members of the Commission were present at that Session and accordingly voted in favour of this *Opinion* :—

Blanchard; von Graff; Hoyle; Jordan<sup>5</sup>; Osborn; Stejneger; Stiles; and Studer.

<sup>1</sup> For the sense in which expression "pre-Linnean" is here used, see NOTE 3 below (pp. 118-119).

<sup>2</sup> For the relation of this decision to that embodied in *Opinion* 4 (in relation to the status of manuscript names) see NOTE 4 below (pp. 119-124).

<sup>3</sup> Several examples of cases where post-1757 authors failed to "re-inforce" pre-1758 names when republishing them are given in NOTE 4 below (paragraphs 5 and 6).

<sup>4</sup> It appears from paragraph 2 of *Opinion* 21 that at least preliminary agreement had been reached in the Commission in regard to *Opinion* 5 by correspondence before the opening of their Boston Session in 1907.

<sup>5</sup> The Commissioner here referred to is the late Commissioner David Starr Jordan not Commissioner Karl Jordan, the present President of the Commission, who at the time of the adoption of *Opinion* 5 was not a member of the Commission.

3. The following seven (7) Members of the Commission were not present at the Boston Session of the International Commission and are not recorded as having voted on the present *Opinion* :—

Dautzenberg; Horst; Jentink; Joubin; Maehrenthal; Schulze; and Wright.

NOTE 2.

*On the date of the publication of Opinion 5.*

This *Opinion* was first published on 18th October 1907 in *Science*, New York **26** : 522. It was published also in the report submitted by the International Commission on Zoological Nomenclature to the Seventh International Congress of Zoology which appeared in the *Proceedings* of the Congress issued in 1912. In the meanwhile it had been reprinted in July 1910 (*Smithsonian Publication* **1938** : 6) when the Smithsonian Institution first undertook to publish the *Opinions* rendered by the International Commission on Zoological Nomenclature.

NOTE 3.

*On the use of the expression "pre-Linnean" in Opinion 5.*

It will be observed that both in the title to this *Opinion* and in the body of the *Opinion* itself, the International Commission made use of the expression "pre-Linnean." At the time when this *Opinion* was rendered (1907) the expression "a pre-Linnean work" was commonly used to signify any zoological work which was published before the introduction of the system of "binary nomenclature" by Linnaeus in the 10th edition of his *Systema Naturae*. As so used, the expression "pre-Linnean" was an adjective applying to any zoological work published before 1st January 1758, the date on which, in accordance with the provisions of *Opinion* <sup>6</sup> the 10th edition of the *Systema Naturae* is deemed to have been published. Thus, the expression "pre-Linnean" was used as though it was the exact equivalent of the expression "pre-1758." The latter would have been a more correct expression, since, when the expression "pre-Linnean" is defined in the manner indicated above, it is an epithet which applies not only to zoological works published before 1758 by all authors other than Linnaeus but also to all the works published

<sup>6</sup> See NOTE 3 to *Opinion* 3 (pp. 98-100 above).

by Linnaeus himself before the publication in 1758 of the 10th edition of his *Systema Naturae*.

## NOTE 4.

*On the relation of Opinion 5 to Opinion 4.*

The present *Opinion* (*Opinion 5*) qualifies *Opinion 4*, by defining the conditions in which that *Opinion* applies to a particular class of names, namely names which were originally published before 1758 but which were republished either in 1758 or at any subsequent date. Since the Law of Priority applies only to names published on, or after, 1st January 1758,<sup>7</sup> a name published before that date has no status in nomenclature and is thus in exactly the same position as a manuscript name. In the absence of special provision to the contrary, *Opinion 4* would have applied in its entirety to any name originally published before 1758 as soon as that name was republished at any time subsequent to 31st December 1757, in the same way as it applies to other names, e.g. manuscript names that have no status until their publication subsequent to 31st December 1757. *Opinion 5* is designed to regulate the application of *Opinion 4* in the case of pre-1758 names when subsequently republished.

2. *Opinion 5* covers the three classes of case described in the following paragraphs.

- (a) *Position as regards names contained in works originally published before 1758, when such works are republished at any time subsequent to 31st December 1757.*

3. If *Opinion 4* had applied in its entirety to names contained in works originally published before 1758 the position would have been that, where such a work was republished at any time subsequent to 31st December 1757, any name contained in a work so reprinted (or otherwise republished) would have been available under the Code, if it could be shown that the name complied with the requirements of Article 25. Many such names would satisfy proviso (a) of that Article (the requirement that the name should be accompanied by an indication<sup>8</sup> or definition or a description); but in very few cases would it be possible to establish that proviso (b) of Article 25 had been complied with, since few pre-1758 works can be said to have been published by authors who, at the

<sup>7</sup> See NOTE 3 to *Opinion 3* (pp. 98-100 above).

<sup>8</sup> See *Opinion 1* (pp. 73-86).

time of publication, accepted the principles of "binary nomenclature." Nevertheless, some pre-1758 works appear to satisfy that condition, especially if the wider interpretation of the expression "binary nomenclature" adopted by the Commission in *Opinion 20* is ultimately accepted as the correct interpretation of that expression.<sup>9</sup> Examples of cases where a pre-1758 author might be held to have applied the principles of binary nomenclature are provided (i) by works which deal with genera only and as regards which it is impossible to determine what were the author's views about the nomenclature of species and (ii) by works where (as happened sometimes also after 1757) an author, who was non-binominal but, under the wider interpretation of the expression "binary nomenclature," was a binary author, happened to use two latin words as the name for a species and thus accidentally published a specific name that had the appearance of being a binominal name.

4. The restriction imposed by *Opinion 5* on the application of *Opinion 4* to names first published before 1758 and subsequently republished, secures that, in order to become eligible for consideration under Article 25 of the Code, a name contained in a work republished after 31st December 1757 must be expressly re-inforced either (i) by adoption or (ii) by acceptance by the author publishing the reprint.

5. The effect of this provision will be shown by the following example which arose in connection with two *Opinions* (*Opinions 67* and *103*) relating to the generic names *Coturnix* and *Grus* respectively. In 1758 there was published at Amsteldam a work under the title *Geslachten der Vogel* which was a translation by C. Nozeman and A. Vosmaer of a work by P. H. G. Moehring entitled *Avium Genera* which had been originally published in 1752. The Nozeman and Vosmaer edition contains a number of generic names for birds that were not included by Linnaeus in the 10th edition of his *Systema Naturae* and were not published by any other binary author in 1758. The question that had to be considered was therefore whether such generic names as *Grus* and *Coturnix* which are contained in Nozeman and Vosmaer edition and which had not previously been published after the close of 1757, are names that are available under Article 25 of the Code as from the date of

<sup>9</sup> The question of the meaning to be attached to the expression "binary nomenclature" as used in the International Code is at present *sub judice*, as it was expressly referred by the Twelfth International Congress of Zoology to the International Commission on Zoological Nomenclature for deliberation and report. See 1943, *Bull. zool. Nomencl.* 1: 45, 55.



their publication by Nozeman and Vosmaer. Reference to the Nozeman and Vosmaer edition shows clearly that these authors did not add any latin names of their own and that the generic names which appear in their edition are all names carried over from Moehring's original edition of 1752, without being reinforced either by acceptance or adoption. The new generic names in the Nozeman and Vosmaer edition therefore fail to satisfy the requirements of *Opinion 5*. Accordingly, such names are not eligible under Article 25. These names have therefore no status (or availability) as from 1758 and they do not pre-occupy as homonyms the same names when published at a later date by an author whose work complied with the requirements of Article 25 of the Code. For these reasons the names *Coturnix* and *Grus* were not accepted by the International Commission as having priority from Nozeman and Vosmaer<sup>10</sup> in Moehring, 1758, but

<sup>10</sup> The question of the status of the Nozeman and Vosmaer edition of Moehring's *Genera Avium* was recently re-examined in connection with the preparation of the *Official List of Generic Names in Zoology* for publication in book form since it was necessary to insert notes explaining why the names *Coturnix* and *Grus* were not accepted as from Nozeman and Vosmaer, 1758. For this purpose the Nozeman and Vosmaer edition of 1758 and original edition of Moehring 1752 were studied separately and the two were then compared with one another.

The following are extracts from the report on this subject furnished by Commissioner Karl Jordan, *President of the Commission* :—

(i) *Report dated 19th December 1943* :

I have read the introduction by Vosmaer and the *Bericht van den Vertaaler* (translator) (Nozeman) in order to find out whether there was anything said about nomenclature. Nozeman says: (my free translation from the Dutch) 'to find the right names in our language as terms for the genera (and geene anderen = and nothing else) which the very learned Moehring has described (aangetekend) has cost me long and sometimes annoying inquiries. . . .'

To judge from what I have translated above, Nozeman wanted Dutch names only, and only for genera. The descriptions of the genera begin on p. 9 and the method is as follows :—

1. WARVOGEL, in 't Latyn door den Heere MOEHRING genoemd *Collyrio*.  
Hy is by den Heer C. LINNAEUS, in *Edit. 6 Syst. Nat. Gen. 78*  
gezet by den Beemer, [*Ampelis*]. [The square bracket means the  
name is added by Nozeman.]
3. GROOTBEK, TOUCAN, in het Latyn *Bucco*.  
Hy is de *Ramphastos* van Linn. *Syst. Nat.* het 38ste geslacht.
56. KASUARIS, in 't Lat. *Cela*.  
*Casuarius* by Linnaeus gesl. 63.  
*Emeu*. by Clusius. *Exot. L. v. c. 3*.  
(Then follows the description in every case).

As exemplified by 3 and 56 (and others) the principle of priority was not in Nozeman's mind. The Latin names were added to the Dutch ones because Moehring 1752 had them. Neither Nozeman nor Vosmaer indicate

were attributed to the first subsequent binary author by whom they were respectively published.

6. Other examples of a similar character are afforded by the edition of Catesby (M.), 1743, *Natural History of Carolina, Florida, and the Bahama Islands* published by G. Edwards in 1771 (*Opinion* 13) and the German translation by Gadebusch published in 1762 of Hasselquist, 1757, *Iter palaestinum* (*Opinion* 57).

anywhere that they accept them as the scientific names of the genera. However, they are certainly published after Linnaeus's 10th edition.

(ii) *Supplementary report dated 12th January 1944 :*

I have now compared Moehring, *Avium Genera* 1752, with the translation of 1758, and am perfectly satisfied that the translator has not added any Latin names of his own. All the Latin names are those of 1752; the spelling is the same except that the letter i is replaced by y and that there are one [or two printing errors or pen slips]. The additions to Moehring 1752 made in the translated 1758 edition contain some Latin names, but all these are quoted from older authors and are not available.

Examples :—

1752

36. PARUS. *Linn. gen.* 76., ed. 6. *gen.* 83.

[Then follows description of genus.]

note (a) Variat incisio apicis linguae : in *paro maiore* apex 3 vel 4 setis terminatus; in *paro caeruleo* apex setis quidem terminatus, sed setarum una vel altera in quibusdam individuis lacera evadit. *Paro atro* est singula seta in singulo apicis truncati margine, medio spatio fere verticali, integro. (All "v's" are printed "u". K.J.).

37. ORITES.

*Parus caudatus Auctorum.*

[Then follows description of genus.]

1758

36. MEES, in 't Latyn *Parus*.

Linnaeus. *Syst. Nat.* geslacht 83.

then follows description; words in italics in 1752 here again in italics. Sometimes in the 1758 edition a word or two are added in square brackets.

note (a) De sneede in de punt der Tong is verscheiden : In den *Grooten Mees* eindigt de punt in drie of vier borstelhaartjes : In den *Blaauwen Mees*, [of *Pimpel*] eindigt de punt mede wel in 'borsteltjes; maar het eene of 't andere van deze borstelhaartjes word in sommige byzondere Meezen meer gefnazeld. De *Zwayte Mees* heft één enkel borstelhaartje op elken rand der geknotte tongpunt, welke rand halver weg omtrent rechtsstandig [*verticalis*] en gaaf is.

37. STAARTMEES, in 't Latyn *Orites*.

De *Langstaart-Mees* der Schryveren.

[Then follows description.]

(b) *Position as regards a name contained in a work originally published before 1758 when a reference thereto is published by a binary author at any time subsequent to 31st December 1757.*

7. *Opinion 4* provides that a manuscript name published at any time subsequent to 31st December 1757 by a binary author acquires rights of priority as from that date and that this applies irrespective of whether or not the author by whom the manuscript name is published accepts the name or not.

8. In the study of a name published in this period following the publication in 1758 of the 10th edition of Linnaeus's *Systema Naturae*, it is frequently necessary to refer to the use either of that name or of some other name by authors prior to 1758, since a knowledge of the nature of such use may be essential for the identification of the earliest name for the organism under study. Very great inconvenience would however be caused if the mere publication after 1757 of a bibliographical reference to a pre-1758 name were sufficient to confer upon that name priority as from the date on which the reference thereto was published.

9. This aspect of the problem was dealt with by the International Commission in *Opinion 5* where they made it clear that nothing in *Opinion 4*<sup>11</sup> is to be construed as validating, and therefore as conferring any priority upon, a name originally published before 1758 where the re-publication of the name after 1757 consists only of a bibliographical reference thereto. *Opinion 5* lays it down that, before such a name acquires priority on being republished after 1757, the author republishing the name must re-inforce the status of the name either by adopting the name or by accepting it.

(c) *Position as regards a name originally published before 1758, when a bibliographical reference to the work in which the name was so published is cited in a synonymy published after 1757.*

10. This class of case is a development of the class dealt with in section (b) above, the difference being that section (b) is concerned with cases where a bibliographical reference to a pre-1758 name is given in a work published after 1757, whereas the class of case here under consideration is that where after 1757 a bibliographical reference to a pre-1758 name is included in a synonymy published by a binary author in conditions which

<sup>11</sup> *Opinions 4* and *5* were drafted, approved and published concurrently.

satisfy also the requirements of proviso (a) to Article 25 of the Code.

11. *Opinion 5* makes it clear that the inclusion after 1757 of a bibliographical reference to a pre-1758 name in a synonymy does not validate that name or confer any priority upon it, since, as in the class of case dealt with in paragraphs 7-9 above, it is necessary for a post-1757 author himself to adopt or accept a pre-1758 name before any validity or right of priority is conferred upon that name. To illustrate this proposition, the Commission quoted in *Opinion 5* the 10th edition of Linnaeus's *Systema Naturae* (which by *Opinion 3* is deemed to be the first binary work to have been published in 1758). In this example, the Commission pointed out that the citation by Linnaeus of pre-1758 names in the synonymies included in 1758 in the *Systema Naturae* do not establish those names under Article 25 of the Code.

12. It will be seen therefore that the effect of the foregoing provision in *Opinion 5* is wholly to exclude from the scope of *Opinion 4* pre-1758 names when on republication such names are published only in synonymies.

FRANCIS HEMMING

*Secretary to the International Commission  
on Zoological Nomenclature*

Secretariat of the Commission,  
at the British Museum (Natural History),  
Cromwell Road, LONDON, S.W.7.

10th May, 1944.

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1707,

# OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

Secretary to the Commission

**VOLUME 1. Part 15. Pp. 127-138.**

## **OPINION 6**

On the type of a genus "*A*—," containing two species, "*A*— *b*—" and "*A*— *c*—," where the generic name in question was published on, or before, 31st December 1930

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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

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### The Officers of the Commission

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*Executive Secretary* : Dr. Charles Wardell Stiles (U.S.A.).

*Recording Secretary* : Professor F. C. von Maehrenthal (Germany).

### The Members of the Commission

#### *Class 1910*

Monsieur le Professeur Raphael BLANCHARD (France) (*President of the Commission*).

Monsieur le Professeur L. JOUBIN (France).

Dr. Charles Wardell STILES (U.S.A.) (*Executive Secretary to the Commission*).

Dr. Th. STUDER (Switzerland).

Professor R. Ramsay WRIGHT (Canada).

#### *Class 1913*

Monsieur le Professeur Ph. DAUTZENBERG (France).

Professor William Evan HOYLE (United Kingdom).

Dr. L. von GRAFF (Austria-Hungary).

Professor F. C. von MAEHRENTHAL (Germany) (*Recording Secretary to the Commission*).

Professor F. OSBORN (U.S.A.).

#### *Class 1916*

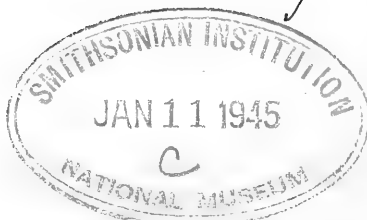
Dr. F. A. JENTINK (Netherlands).

Professor David Starr JORDAN (U.S.A.).

Professor F. S. MONTICELLI (Italy).

Herr Geheimrat Dr. F. E. SCHULZE (Germany).

Dr. Leonhard STEJNEGER (U.S.A.).





## OPINION 6.

ON THE TYPE OF A GENUS "A—," CONTAINING TWO SPECIES, "A— b—" AND "A— c—," WHERE THE GENERIC NAME IN QUESTION WAS PUBLISHED ON, OR BEFORE, 31ST DECEMBER 1930.

**SUMMARY.**—When, in the case of a generic name published not later than 31st December, 1930,<sup>1</sup> a later author divided the genus "A—," species "A— b—" and "A— c—," leaving genus "A—," only species "A— b—," and genus "C—," monotypic<sup>2</sup> with species "C— c—," the second author is to be construed as having fixed the type of the genus "A—."

### I.—THE STATEMENT OF THE CASE.

The following case has been submitted by Dr. L. Stejneger for *Opinion* :—

A definite ruling is requested on the following hypothetical case as to the application of Article 30 of the International Code of Zoological Nomenclature. The hypothetical form is selected in order to present the case as simply and uncomplicatedly as possible.

Linnaeus, in 1758, established a genus "A—" with two species :

- (1) "A—" "b—."
- (2) "A—" "c—."

Next, in 1768, Laurenti divided this genus in two, calling them :

- (1) Genus "A—."
  - i. Species "A—" "b—".
- (2) Genus "C—."
  - i. Species "C—" "c—" (the latter combination being absolutely tautonymic).

Laurenti thus created two monotypic genera, one of which was tautonymic. But he did not say literally : "I make "b—" type of "A—," nor "I make "c—" type of "C—." He did not say so, but he did do so. He did not "select" the type by means of words, but by means of deed. Even "rigidly construed" "the expression 'select a type'" (Article 30 in fine) fits this action of Laurenti's. The species are not mentioned by him as illustration or examples, there were known to him no other species but these.

Twenty-five years later Fitzinger in express words makes "c—" the type of "A—" and designated "b—" as type of a generic name "D—."

The question then arises does Fitzinger's selection (in words) undo Laurenti's earlier selection (in deed) ?

<sup>1</sup> See NOTE 2 below (pp. 133-134). <sup>2</sup> See NOTE 3 below (pp. 134-135).

If this were allowed we would have to face the following absurdity :

"C——" Laurenti, 1768, would become a synonym of the restricted genus "A——" Linnaeus, 1758, notwithstanding the fact that its monotype is *not contained* in the restricted genus "A——."

And again :

"C——" Laurenti, 1768, would also become a synonym of the genus "D——" Fitzinger, 1843, because both have the same type, but the latter name would take precedence of the earlier, absolutely equivalent name.

Action like that would not only contravene the principle of the Law of Priority but also that underlying littera (c) and (d) of Article 30 itself. Moreover, it would contravene all nomenclatorial practice heretofore in vogue under any of the existing codes.

The final paragraph of Article 30 shows that the meaning of the expression "select a type" is to be construed. If the only construction it could bear were to the effect that the "selection" must be in *express words*, then the wording of the Article would have been phrased so as to preclude any other interpretation and the final paragraph just quoted would have been superfluous. It matters not whether we substitute the word "designate" for "select," for the two words are used indiscriminately in the Article. And if the type can be selected or designated in any other way than in *express words*, and the final paragraph proves that it can, then it is hard to conceive of a more effective way to designate or select a type than was done by Laurenti in the hypothetical case submitted above.

I therefore hold that in this case submitted he did designate the type of both genera "A——" and "C——."

## II.—DISCUSSION OF THE CASE.

2. At the Boston meeting, when the report on Article 30 was read before the public meeting of the Commission on Nomenclature, the position of the Commission upon cases of this kind was asked, and the reply was made by all the members of the Commission who were present that cases which were as clear as the one given in the diagram should be construed under Article 30(g), namely, that the type of the original genus was fixed when, through a division of its species, it was definitely made into a monotypic genus.

3. *Opinion* written by Stiles.

4. *Opinion* concurred in by fourteen (14) Commissioners:—  
Blanchard; Dautzenberg;<sup>3</sup> Graff;<sup>4</sup> Hoyle; Jentink; Jordan;<sup>5</sup>  
Joubin; Maehrenthal;<sup>4</sup> Monticelli; Schulze;<sup>4</sup> Stejneger;<sup>6</sup>  
Stiles;<sup>6</sup> Studer;<sup>4</sup> Wright.

5. Not voting, one (1) Commissioner:—Osborn.

<sup>3</sup> See paragraph 8 below.

<sup>4</sup> See paragraph 6 below.

<sup>5</sup> The Commissioner here referred to is the late Commissioner David Starr Jordan not Commissioner Karl Jordan, the present President of the Commission, who at the time of the adoption of *Opinion* 6 was not a member of the Commission.

<sup>6</sup> See paragraph 7 below.

## III.—SUPPLEMENTARY NOTES BY INDIVIDUAL COMMISSIONERS.

6. Maehrenthal, Schulze, Graff, and Studer add :—

Wir sind auch der Meinung, dass der hypothetische Fall so entschieden werden müsste, wie es die Kommission in Bostan getan hat. Wir müssen aber darauf hinweisen, dass diese Entscheidung dem Wortlaut des Art. 30 nicht *entspricht*. Eine "subsequent designation" (Art. 30g) muss offenbar in derselben Form geschehen wie eine "original designation" (Art. 30a). In dem vorliegenden Fall hat erst Fitzinger die typische Species "designated." Die Elimination, welche durch Begründung des Genus C—Laurenti's stattgefunden hat, wäre gemäss Art. 30k (Recommendation !) irrelevant.<sup>7</sup>

7. Note on the above by Stiles and Stejneger :—

On the contrary, this does correspond to Article 30(I) (c). If a genus is monotypic this is *ipso facto* designation of the most definite kind.

8. Note by Dautzenberg :—

A mon avis lorsqu'un genre est monotypique il est évident que la designation expresse du type est superflue & que l'espèce indiquée doit être admise comme en étant le type.<sup>8, 9</sup>

<sup>7</sup> In this *Opinion*, when published in 1910, the following translation was given of the note by the four Commissioners named in paragraph 6 :—We are of the opinion that the hypothetical case is to be decided in the sense adopted by the Commission in Boston. We must point out, however, that this decision does not correspond to the wording of Art. 30. A "subsequent designation" (Art. 30g) must obviously occur in the same form as an "original designation" (Art. 30a). In the case in question, Fitzinger first "designated" the genotype. The elimination which occurred by the establishment of C—Laurenti, would be irrelevant according to Art. 30k (Recommendation !).

<sup>8</sup> In this *Opinion*, when published in 1910, the following translation was given of the note by Commissioner Dautzenberg :—In my opinion, when a genus is monotypic, it is evident that the verbal designation of the type is superfluous and that the species indicated should be admitted as being the type.

<sup>9</sup> This observation is no longer completely accurate, as, under the amendment to Article 25 of the International Code adopted by the Tenth International Congress of Zoology at Budapest in 1927, no generic name published after 31st December 1930 has any status, unless there is a "definite and unambiguous designation of the type species." See 1944, *Opinions and Declarations rendered by the International Commission on Zoological Nomenclature* 1 : 76–78; and 1939, *ibid.* 2 : 29–34.

*Editorial Notes by Francis Hemming, Secretary to the International Commission on Zoological Nomenclature.*

## NOTE I.

*Historical particulars.*

The subject dealt with in this *Opinion* was not included in the report submitted by the International Commission on Zoological Nomenclature to the Seventh International Congress of Zoology at its meeting held at Boston in August 1907. It is clear, however, from paragraph 2 of this *Opinion* that this subject was discussed, when the Commission submitted their report to that Congress, for it is there recorded that in answer to a question the members of the Commission present replied that they were unanimously of the view expressed in the present *Opinion*. The eight (8) Commissioners present at Boston were:—Blanchard, von Graff, Hoyle, Jordan (D. S.), Osborn, Stejneger, Stiles and Studer.

2. As will be seen from paragraphs 4 and 5 of this *Opinion*, fourteen (14) Commissioners are recorded as having voted in favour of its adoption and one (1) Commissioner is recorded as having abstained. These Commissioners belonged to the Classes 1910, 1913, and 1916. Of these, the Class 1916 was only elected at Boston in place of the Class 1907, from which it differed in composition through the substitution of Professor F. S. Monticelli (Italy) for Dr. H. Horst (Netherlands). It is clear therefore that *Opinion* 6 was drafted on some date subsequent to the close of the Boston meeting in August 1907. In view of the fact that the draft of this *Opinion* had to be prepared and copies made and distributed and further that under the By-Laws a period of not less than 90 days must be left for voting, it is certain that the voting was not completed before the end of 1907. It may, therefore, be taken that this *Opinion*, which is undated, cannot have been rendered by the Commission before some date in the year 1908.

3. This *Opinion* was published in July 1910 (*Smithsonian Publication* 1938 : 7-9), when the Smithsonian Institution first undertook to publish the *Opinions* rendered by the International Commission on Zoological Nomenclature.

4. No manuscript or other documents relating to this *Opinion* are preserved in the archives of the International Commission, since in 1931 the Commission agreed (by a majority) that, in view of certain difficulties of storage which had then arisen, the correspondence and papers relating to certain of their early *Opinions* should be destroyed.

## NOTE 2.

*On the limitation imposed on Opinion 6 by the amendment of Article 25 of the International Code adopted by the Tenth International Congress of Zoology at Budapest in 1927.*

In 1927, the International Commission submitted a recommendation to the Tenth International Congress of Zoology at its meeting held at Budapest that Article 25 of the International Code should be amended by the addition of the following new proviso (proviso (c)) :—

- (c) that no generic name nor specific name published after 31st December 1930, shall have any status of availability (hence also of validity) under the rules, unless and until it is published, either :—
- (1) with a summary of characters (*seu* diagnosis; *seu* definition; *seu* condensed description) which differentiate or distinguish the genus or species from other genera or species; or
  - (2) with a definite bibliographic reference<sup>10</sup> to such summary of characters (*seu* diagnosis; *seu* definition; *seu* condensed description); and further
  - (3) in the case of a generic name, with the definite unambiguous designation of the type species (*seu* genotype; *seu* autogenotype; *seu* orthotype).

2. The above addition to the Code was approved by the Tenth International Congress of Zoology and accordingly came into operation as from midnight 31st December 1930/1st January 1931 (Greenwich Mean Time).

3. As pointed out in NOTE 3 to *Opinion 1*,<sup>11</sup> the effect of the adoption of the foregoing amendment to Article 25 of the Code was to impose a limitation upon the application of *Opinions* previously rendered by the International Commission, interpreting Article 25 of the Code. Every such *Opinion* remained valid and binding, as respects names published on or before 31st December 1930 (the last day prior to the coming into force of the Budapest amendment to Article 25), but, in so far as any such *Opinion* contained an interpretation of that Article at variance with the amended provisions adopted at Budapest, such *Opinion* ceased to be applicable in respect of any name published on or after 1st January 1931 (the date on which the Budapest provisions became operative).

4. The provisions of *Opinion 6* are less rigorous than those contained in proviso (c) added to Article 25 at Budapest. *Opinion*

<sup>10</sup> For an explanation of the expression "definite bibliographic reference" as here used in Article 25, see *Opinion 138* (1942, *Opinions and Declarations rendered by the International Commission on Zoological Nomenclature 2*: 29-34).

<sup>11</sup> See pp. 76-78 above.

6 remains valid and binding as respects names published in the period up to and including 31st December 1930, but is no longer applicable as respects any name published after that date. It is for this reason that the words "where the generic name in question was published on, or before, 31st December 1930" have been added at the end of the title of this *Opinion*, and the words "in the case of a generic name published not later than 31st December 1930" have been added at the beginning of the "summary."<sup>12</sup>

## NOTE 3.

*On the limited scope of the decision embodied in Opinion 6.*

The wording employed in *Opinion 6* is absolutely unambiguous and leaves no loophole for misunderstanding as to the meaning or scope of the Commission's decision. Nevertheless, as subsequent experience has shown, this *Opinion* has on a number of occasions been erroneously represented as lending support for the contention that, in the case of a genus originally published (i) with three or more included species but (ii) with none of those species designated as the type, a subsequent reviser, when designating a type for the genus, is debarred from selecting any of the originally-included species which may in the meantime have become the types of other genera. In other words, this *Opinion*, it has been claimed, provides that the selection of the types of genera shall be regulated not by the free choice of a later author, acting under the provisions of paragraph (g) of Article 30 of the International Code, but shall be determined, to a considerable extent, by the process known as "elimination." More than once, this contention has been extended by the claim that the genus (genus "C—"), to which one of the species has been transferred from the original genus (genus "A—"), need not be a monotypical genus and therefore that the removal of a species from genus "A—" to some other genus without being made the

<sup>12</sup> In order that the title of this *Opinion* should be such as to give some indication of the subject dealt with, the words "On the type of" have been substituted at the beginning for the words "In case of." When this *Opinion* was first published, the expression "Linnaeus, 1758" was inserted in the title after the words "the genus A." This was due to an inadvertent lifting of this expression from the hypothetical example cited by Commissioner Stejneger in the "Statement of the Case" given in paragraph 1 of this *Opinion*. The insertion of this expression in the title of this *Opinion* is, however, misleading since it appears to imply that this *Opinion* is limited to generic names established by Linnaeus in 1758, *Systema Naturae* (ed. 10), whereas the decision of the Commission in this case (as is shown by the "summary") is general in scope. The expression "Linnaeus, 1758" has accordingly been deleted from the title in the present edition.

type of that genus is sufficient to bring the case within the scope of *Opinion* 6 and therefore to render the species so removed ineligible for selection as the type of genus "A—."

2. It is, therefore, necessary to take note that neither of the above interpretations is in harmony either with the intention of the Commission when adopting this *Opinion* or with the wording used by the Commission in this *Opinion*. The intention of the Commission in this matter is clearly shown in the account, given in paragraph 2 of the *Opinion*, of the discussion of this problem at the meeting of the Seventh International Congress of Zoology at Boston in 1907. This account makes it absolutely clear that the question then put to, and answered by, the members of the Commission was the strictly limited question then laid before the meeting in the form of a diagram and subsequently embodied in the present *Opinion*. That this is, in fact, what transpired at the Boston meeting is confirmed by the strictly limited form in which the problem was put to the Commission in the "statement of the case" submitted by the petitioner (Commissioner Leonhard Stejneger), for the issues raised in that "statement" were the only issues on which, in this *Opinion*, the members of the Commission were asked to vote.

3. As regards the wording employed by the Commission in *Opinion* 6, both the title of the *Opinion* and the "summary" make it clear beyond possibility of question that this *Opinion* is only applicable to cases where (i) the original genus (genus "A—") contains two species and no more than two species and (ii) the genus "C—," to which one of the species originally included in genus "A—" belonged, is a monotypical genus.

4. Finally, it should be noted that in *Opinion* 62 (published in March 1914),<sup>13</sup> the International Commission pointed out that "Article 30 does not exclude the type species of other genera from consideration in the selection of the type of a given genus."

FRANCIS HEMMING

*Secretary to the International Commission  
on Zoological Nomenclature*

Secretariat of the Commission,  
at the British Museum (Natural History),  
Cromwell Road, LONDON, S.W.7.

19th May, 1944.

<sup>13</sup> See 1914, *Smithsonian Publication* 2256 : 147.

**THE PUBLICATIONS OF THE COMMISSION.**

(obtainable at the Publications Office of the Commission at 41, Queen's Gate, London, S.W.7.)

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This journal has been established by the International Commission as their Official Organ in order to provide a medium for the publication of:—

- (a) proposals on zoological nomenclature submitted to the International Commission for deliberation and decision;
- (b) comments received from, and correspondence by the Secretary with, zoologists on proposals published in the *Bulletin* under (a) above; and
- (c) papers on nomenclatorial implications of developments in taxonomic theory and practice.

The *Bulletin* was established in 1943, in which year three Parts were published. Part 4 has been published in 1944 and Parts 5 and 6 are in the press.

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The above work is being published in three volumes concurrently, namely:—

*Volume 1.* This volume will contain *Declarations* 1-9 (which have never previously been published) and *Opinions* 1-133 (the original issue of which is now out of print). Parts 1-15 (containing *Declarations* 1-9 and *Opinions* 1-6) have now been published. Further Parts will be published shortly.

*Volume 2.* This volume will be issued in 52 Parts, comprising all the decisions taken by the International Commission at their meeting at Lisbon in 1935, namely *Declarations* 10-12 (with Roman pagination) and *Opinions* 134-181 (with Arabic pagination). Part 52 will contain the index and title page of the volume. Parts 1-26, containing *Declarations* 10-12 and *Opinions* 134-156, have now been published. Further Parts will be published shortly.

*Volume 3.* This volume, which commenced with *Opinion* 182, will contain the *Opinions* adopted by the International Commission since their meeting at Lisbon in 1935. Parts 1-4 (containing *Opinions* 182-185) have now been published. Further Parts will be published as soon as possible.



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The International Commission appeal earnestly to all institutions and individuals interested in the development of zoological nomenclature to contribute, according to their means, to the Commission's Special (Publications) Fund. Of the total sum of £1,800 required to enable the Commission to issue all the publications now awaiting printing, donations amounting to £773 13s. 7d. were received up to 30th June 1944. Additional contributions are urgently needed in order to enable the Commission to continue their work without interruption. Contributions of any amount, however small, will be most gratefully received.

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# OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**  
Secretary to the Commission

VOLUME 1. Part 16. Pp. 139-146.

## OPINION 7

On the interpretation of the expression "n.g., n.sp." under Article 30(a) of the International Code, as respects generic names published on, or before, 31st December 1930

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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION OF THE COMMISSION AT THE TIME OF THE ADOPTION OF *OPINION 7*

### The Officers of the Commission

*President* : Professor Raphael Blanchard (France).  
*Executive Secretary* : Dr. Charles Wardell Stiles (U.S.A.).  
*Recording Secretary* : Professor F. C. von Maehrenthal (Germany).

### The Members of the Commission

#### Class 1910

Monsieur le Professeur Raphael BLANCHARD (France) (*President of the Commission*).  
Monsieur le Professeur L. JOUBIN (France).  
Dr. Charles Wardell STILES (U.S.A.) (*Executive Secretary to the Commission*).  
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Professor F. C. von MAEHRENTHAL (Germany) (*Recording Secretary the Commission*).  
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Dr. F. A. JENTINK (Netherlands).  
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Professor F. S. MONTICELLI (Italy).  
Herr Geheimrat Dr. F. E. SCHULZE (Germany).  
Dr. Leonhard STEJNEGER (U.S.A.).



## OPINION 7.

**ON THE INTERPRETATION OF THE EXPRESSION "N.G., N.SP." UNDER ARTICLE 30(a) OF THE INTERNATIONAL CODE, AS RESPECTS GENERIC NAMES PUBLISHED ON, OR BEFORE, 31ST DECEMBER 1930.**

**SUMMARY.**—In the case of generic names published on, or before, 31st December 1930,<sup>1</sup> the expression "n.g., n.sp." used in publication of a new genus for which no other species is otherwise designated as genotype, is to be accepted as designation under Article 30(a).

### I.—DISCUSSION OF THE CASE.

If an author publishes a new genus and marks one of the species "n.g., n.sp.", but does not otherwise specifically designate the genotype, such citation ("n.g., n.sp.") is to be construed under Article 30(a) as "type by original designation." Examples:—

- (a) *Diorchis* Clerc,<sup>2</sup> 1903, *Rev. suisse. Zool.* **11** : 281
  - (1) *Diorchis acuminata* n.g., n.sp.
  - (2) *Diorchis inflata* (Rudolphi).
- (b) *Platynosomum* Looss,<sup>2</sup> 1907, *Zbl. Bakt.* **43** (6) : 607  
*Platynosomum* (n.g.) *semifuscum* (n.sp.).

2. This method of designating the type species does not, in the opinion of the Commission, represent the best method to adopt; on the contrary, the Commission urges<sup>3</sup> all authors to state definitely that a certain species is type, regardless of the number of species placed in the genus.

3. *Opinion* written by Stiles.

4. *Opinion* concurred in by eight (8) Commissioners: Blanchard; Graff; Jentink; Jordan;<sup>4</sup> Monticelli; Stejneger; Stiles;<sup>5</sup> Wright.

<sup>1</sup> See NOTE 2 below, (pp. 143-144).

<sup>2</sup> The genus *Diorchis* Clerc belongs to the Class Cestoidea; the genus *Platynosomum* Looss to the Class Trematoda.

<sup>3</sup> As from 1st January 1931, this sentence is no longer applicable, since every generic name published subsequent to 31st December 1930 must, in order to be available under Article 25(c) of the International Code, be accompanied by "a definite unambiguous designation of the type species." See NOTE 2 below (pp. 143-144).

<sup>4</sup> The Commissioner here referred to is the late Commissioner David Starr Jordan not Commissioner Karl Jordan, the present President of the Commission, who at the time of the adoption of *Opinion 7* was not a member of the Commission.

<sup>5</sup> See paragraph 10 below.

5. *Opinion* dissented from by three (3) Commissioners: Hoyle; <sup>6</sup> Maehrenthal; <sup>7</sup> Schulze.

6. Not voting, two (2) Commissioners: Osborn, Studer.

7. Vote both ways, two (2) Commissioners: <sup>8</sup> Dautzenberg, Joubin.

## II.—SUPPLEMENTARY NOTE BY INDIVIDUAL COMMISSIONERS.

8. Hoyle says:—

I do not think that this constitutes the fixation of a type at all and I shall not hold that such a statement as that regarding *Diorchis* above invalidated any subsequent selection of a type by a later author.

9. Maehrenthal and Schulze say:—

Ein neues Prinzip, dessen Zweckmässigkeit nicht einzusehen ist. Die Anwendung einer solchen neuen Bestimmung hätte notwendige Konsequenzen: z.b. wenn nicht *eine*, sondern mehrere "*n.sp.*" angeführt werden, wenn das gen. nicht als "*nov.*," die spec. nicht als "*nov.*" ausdrücklich bezeichnet, aber als solche erkennbar sind, u.s.w.<sup>9</sup>

10. Remark by Stiles:—

The cases mentioned by Maehrenthal and Schulze do not come under this *Opinion* which definitely states that *one* of the species is *marked* as "*n.g., n.sp.*"

*Editorial Notes by Francis Hemming, Secretary to the International Commission on Zoological Nomenclature.*

### NOTE I.

#### *Historical particulars.*

This *Opinion* was published in July 1910 (*Smithsonian Publication* 1938 : 10), when the Smithsonian Institution first undertook to publish the *Opinions* rendered by the International Commission on Zoological Nomenclature.

<sup>6</sup> See paragraph 8 below.

<sup>7</sup> See paragraph 9 below.

<sup>8</sup> The ballot paper distributed to each Commissioner for use when voting on an *Opinion* contained two blank spaces for the signature of the Commissioner concerned, the signature to be placed in one space if the Commissioner concurred in the proposed *Opinion* and in the other space, if he did not. In the case here referred to, the Commissioners concerned appear to have failed to understand the form of the ballot paper and therefore to have added their signatures in each of the blank spaces provided.

<sup>9</sup> In this *Opinion*, when published in 1910, the following translation was given of the note by Commissioners Maehrenthal and Schulze:—

A new principle, the expediency of which is not clear. The application of such a new provision would have necessary consequences. For instance, if not one, but several "*n.sp.*" were mentioned; if the genus and the species are not expressly designated as "*new*," but are recognized as such.

2. This *Opinion* is undated, but it cannot have been adopted earlier than on some date in 1908 (the earliest date on which the preceding *Opinion* (*Opinion* 6) can have been adopted)<sup>10</sup> or later than some date in the first half of 1910, since (as shown above) it was published in July of that year.

3. For the reasons explained in paragraph 4 of NOTE 1 to *Opinion* 6,<sup>11</sup> no manuscript or other unpublished documents relating to this *Opinion* are preserved in the archives of the International Commission on Zoological Nomenclature.

## NOTE 2.

*On the limitation imposed on Opinion 7 by the amendment of Article 25 of the International Code adopted by the Tenth International Congress of Zoology at Budapest in 1927.*

In 1927, the International Commission submitted a recommendation to the Tenth International Congress of Zoology at its meeting held at Budapest that Article 25 of the International Code should be amended by the addition of the following new proviso (proviso (c)) :—

- (c) that no generic name nor specific name published after 31st December 1930, shall have any status of availability (hence also of validity) under the rules, unless and until it is published, either :—
- (1) with a summary of characters (*seu* diagnosis; *seu* definition; *seu* condensed description) which differentiate or distinguish the genus or species from other genera or species; or
  - (2) with a definite bibliographic reference<sup>12</sup> to such summary of characters (*seu* diagnosis; *seu* definition; *seu* condensed description); and further
  - (3) in the case of a generic name, with the definite unambiguous designation of the type species (*seu* genotype; *seu* autogenotype; *seu* orthotype).

2. The above addition to the Code was approved by the Tenth International Congress of Zoology and accordingly came into operation as from midnight 31st December 1930/1st January 1931 (Greenwich Mean Time).

3. As pointed out in NOTE 3 to *Opinion* 1,<sup>13</sup> the effect of the adoption of the foregoing amendment to Article 25 of the Code

<sup>10</sup> See paragraph 2 of NOTE 1 to *Opinion* 6 (p. 132 above).

<sup>11</sup> See paragraph 4 of NOTE 1 to *Opinion* 6 (page 132 above).

<sup>12</sup> For an explanation of the expression "definite bibliographic reference" as here used in Article 25, see *Opinion* 138 (1942, *Opinions and Declarations rendered by the International Commission on Zoological Nomenclature* 2 : 29-34).

<sup>13</sup> See pp. 76-78 above.

was to impose a limitation upon the application of *Opinions* previously rendered by the International Commission, interpreting Article 25 of the Code. Every such *Opinion* remained valid and binding, as respects names published on or before 31st December 1930 (the last day prior to the coming into force of the Budapest amendment to Article 25), but, in so far as any such *Opinion* contained an interpretation of that Article at variance with the amended provisions adopted at Budapest, such *Opinion* ceased to be applicable in respect of any name published on or after 1st January 1931 (the date on which the Budapest provisions became operative).

4. The provision (quoted in paragraph 1 above) contained in paragraph (2) of proviso (c) added to Article 25 at Budapest requires that when a new generic name is published, it must, in order to be available (here valid), be accompanied by "the definite unambiguous designation of the type species." This provision is much more rigorous than the provision contained in *Opinion 7*. It follows therefore (as explained in paragraph 3 above) that *Opinion 7* remains valid and binding as respects generic names published in the period from 1st January 1758<sup>14</sup> up to, and including, 31st December 1930, but it is no longer applicable as respects any generic name published after that date. It is for this reason that the words "as respects generic names published on, or before, 31st December 1930" have been added at the end of the title of this *Opinion* and the words "In the case of generic names published on, or before, 31st December 1930" have been inserted at the beginning of the "summary."

FRANCIS HEMMING.

*Secretary to the International Commission  
on Zoological Nomenclature*

Secretariat of the Commission,  
at the British Museum (Natural History),  
Cromwell Road, LONDON, S.W.7.

20th May, 1944.

<sup>14</sup> See NOTE 3 to *Opinion 3* (pp. 98-100 above) for an explanation of 1st January 1758 being taken as the starting date for zoological nomenclature.



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Ref.

# OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

Secretary to the Commission

**VOLUME I. Part 17. Pp. 147-158.**

## **OPINION 8**

On the retention of "ii" or "i" in specific patronymic names, under Article 14, third paragraph, and Article 19 of the International Code

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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION OF THE COMMISSION AT THE TIME OF THE ADOPTION OF *OPINION 8*

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*Executive Secretary* : Dr. Charles Wardell Stiles (U.S.A.).

*Recording Secretary* : Professor F. C. von Maehrenthal (Germany).

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Dr. Leonhard STEJNEGER (U.S.A.).



Ref.

## OPINION 8.

### ON THE RETENTION OF "ii" OR "i" IN SPECIFIC<sup>1</sup> PATRONYMIC NAMES, UNDER ARTICLE 14, THIRD PARAGRAPH, AND ARTICLE 19 OF THE INTERNATIONAL CODE.

**SUMMARY.**—Specific<sup>1</sup> patronymics originally published as ending in "ii" (as *schrankii*, *eichhornii*) are, according to Article 19, to be retained in their original form, despite the provision of Article 14, third paragraph, that they should have been formed only with one "i".<sup>2</sup>

#### I.—STATEMENT OF THE CASE.

The following cases have been submitted by Professor Charles A. Kofoid for *Opinion* :—

*Ceratium schrankii* Kofoid, described in *Univ. Calif. Publ. Zool.* vol. 3, p. 306, 1907, is cited by Karsten in 1908 (*Wiss. Ergebn. d. deutsch. Tiefsee Exped.*, Bd. 2, p. 539) as *Ceratium tripos schrankii* Kofoid. Should not the second *i* be omitted in accordance with the rule for forming the genitive of a proper name used as a specific name<sup>1</sup> as stated in Article 14 of the Code?

Hudson in 1883 (*Journ. Roy. Micr. Soc.*, vol. 3, Ser. 2, p. 621) described *Asplanchna Ebbesbornii*. Jennings in 1901 (*Bull. U.S. Fish Comm.*, Vol. 19, p. 80) cites *Asplanchna ebbesbornii* Hudson. Should not the second "i" be omitted?

The two cases above cited differ in the fact that the first is subsequent, the second prior to the establishment of the Code, in so far as the proposal of the specific name<sup>1</sup> is concerned.

#### II.—DISCUSSION OF THE CASE.

2. The point raised by Professor Kofoid applies to a very large number of specific names<sup>1</sup> which have presented occasion for a great lack of uniformity among authors. The origin of this confusion is to be seen in the lack of uniformity as to the method followed by various authors in originally introducing names.

<sup>1</sup> As pointed out in NOTE 4 to *Opinion* 1 (see pp. 78–79 above), the scientific designation of an animal consists of two words, which together constitute the "specific name" of the species; the first of these words is the "generic name"; the second of these words is the "trivial name." As used in *Opinion* 8, the expression "specific name" is identical in meaning with the expression "trivial name," which would have been the more correct expression to employ. Similarly, the expression "specific patronymic name" as used in the same *Opinion* has the meaning "trivial name based upon a patronymic."

<sup>2</sup> For the explanation of the cause which led to the inadvertent citation of this reference as "Art. 14c." in the original issue of this *Opinion*, see footnote 3 below.

3. Many authors in proposing a specific <sup>1</sup> patronymic have first created a Latin form of the name (as *Schrankius*) of the person (Schrank) to whom the species was to be dedicated, and have taken the genitive (*schrankii*) of the Latin name. Other authors have formed a Latin genitive by the simple addition of the single "i" (*schranki*) now provided for in Article 14, third paragraph.<sup>3</sup>

4. It would undoubtedly be a great convenience if all the names ending in "ii" could be changed uniformly to "i," as a number of authors have tried to do. At the same time it may be pointed out that this attempt to simplify the names has in reality created still further confusion in another direction, namely: There exist a number of authors' names which end in "i," as *Monticelli*, and various writers who have apparently not known the exact name of the author have changed patronymics (such as *monticellii*) based on these names to the single "i" (as *monticelli*), thus making the specific name<sup>4</sup> identical with the author's name.

5. In some cases authors write these patronymics with a capital initial letter (*Monticellii*, *Monticelli*) in accordance with the option given in Article 13. As a result, confusion has repeatedly occurred because it thus becomes impossible for an author, not familiar with all the circumstances, to distinguish whether he is dealing with a generic name proposed by *Monticelli* or with a specific combination dedicated to *Monticelli*. In general, it is a relatively simple matter to determine the original form in which the specific name<sup>4</sup> was published, but it is frequently almost

<sup>3</sup> The substantive French text of Article 14 of the International Code is given in paragraph 2 of NOTE 2 to the present *Opinion*. As the English text is only a translation of the substantive French text (see footnote 5 below), it is identical with that text in form and lay-out as well as in meaning. Reference to the text shows:—(i) that Article 14 is divided into three separate paragraphs, each dealing with a distinct subject, and (ii) that the first of these paragraphs is itself subdivided into three sections, which are distinguished from one another by being lettered " (a)," " (b)," and " (c)" respectively. In some of the editions of the International Code, the three lettered sections of the first paragraph are not clearly marked as forming part of a single paragraph by being printed inset from the main margin. In consequence, there is a risk that the lettered heading " (c)" may be erroneously interpreted as being the heading not only for the third section of paragraph one of Article 14 but also for paragraphs two and three of that Article. This is the explanation for the fact that in the original edition of *Opinion* 8 (published in 1910) paragraph three of Article 14 was thrice erroneously referred to as " Art. 14c." The first of these occasions was in the title to the *Opinion*, the second in the summary and the third in the last line of paragraph 3 of the main text of the *Opinion*. In the present edition, this error has been corrected by the substitution in each of the above passages of the expression " Article 14, third paragraph."

<sup>4</sup> See footnote 1.

impossible to determine the exact name of the person to whom the species was dedicated. On this account, the change from "ii" to "i" is not authorised by Article 19, which reads <sup>5</sup>:—

The original orthography of a name is to be preserved unless an error of transcription, a *lapsus calami*, or a typographical error is evident.

6. The conclusion must therefore be drawn that under the present Code the original form of the name should be retained, regardless of the question whether it ends in "i" or "ii," although authors are advised to be very careful about this point in forming new names, and to adopt the "ii" only when the person's name used as basis for the specific name ends in "i."

7. *Opinion* written by Stiles.

8. *Opinion* concurred in by eleven (11) Commissioners: Graff, Hoyle, Jentink, Jordan,<sup>6</sup> Joubin, Maehrenthal, Monticelli,<sup>7</sup> Schulze, Stejneger, Stiles, Wright.

9. *Opinion* dissented from by one (1) Commissioner: Blanchard.

10. Not voting, two (2) Commissioners: Osborn, Studer.

11. Vote both ways, one (1) Commissioner:<sup>8</sup> Dautzenberg.

### III.—SUPPLEMENTARY NOTE BY ONE COMMISSIONER.

12. Monticelli adds:

I accept as *maxima* the opinion given by Stiles, but I think it not impossible that an author in a revisional work of a genus, a family, or a group of animals, as in works like the "Thierreich," should change the orthography of all the specific patronymic names to accord strictly with Article 14c.<sup>9</sup>

<sup>5</sup> The substantive (and therefore, in case of dispute, the only authoritative) text of the International Code is the French text. The English text (here quoted) and the German and Italian texts are translations only.

<sup>6</sup> The Commissioner here referred to is the late Commissioner David Starr Jordan not Commissioner Karl Jordan, the present President of the Commission, who at the time of the adoption of *Opinion* 8 was not a member of the Commission.

<sup>7</sup> For the supplementary note furnished by Commissioner Monticelli, when voting on this *Opinion*, see paragraph 12.

<sup>8</sup> The ballot paper distributed to each Commissioner for use when voting on an *Opinion* contained two blank spaces for the signature of the Commissioners concerned, the signature to be placed in one space if the Commissioner concurred in the proposed *Opinion* and in the other space if he did not. In the case here referred to, the Commissioner concerned appears to have failed to understand the form of the ballot paper and therefore to have added his signature in each of the blank spaces provided.

<sup>9</sup> See footnote 3.

**Editorial Notes by Francis Hemming, Secretary to the International Commission on Zoological Nomenclature.**

## NOTE 1.

*Historical particulars.*

This *Opinion* was published in July 1910 (*Smithsonian Publication* 1938 : 11-12), when the Smithsonian Institution first undertook to publish the *Opinions* rendered by the International Commission on Zoological Nomenclature.

2. This *Opinion* is undated, but it cannot have been adopted earlier than some date in 1908 (the earliest date on which the earlier *Opinion* 6 can have been adopted)<sup>10</sup> or later than some date in the first half of 1910, since (as shown above) it was published in July of that year.

3. For the reasons explained in paragraph 4 of NOTE 1 to *Opinion* 6<sup>11</sup> no manuscript or other unpublished documents relating to this *Opinion* are preserved in the archives of the International Commission on Zoological Nomenclature.

## NOTE 2.

*On the inter-relation of Articles 14 and 19 of the International Code of Zoological Nomenclature.*

*Opinion* 8 is concerned with the interpretation of two provisions of the International Code, the reconciliation of which with one another presented certain difficulties. The first of these provisions (contained in the third paragraph of Article 14) is expressly concerned with the manner in which specific (and subspecific) trivial names should be formed when those names are modern patronymics, while the second of these provisions (Article 19) regulates the conditions in which the original orthography of a name belonging to any of the classes of name dealt with in the Code should be emended, if originally published in an incorrect form.

<sup>10</sup> See paragraph 2 of NOTE 1 to *Opinion* 6 (page 132 above).

<sup>11</sup> See page 132 above.



2. The following is the text of the substantive French text <sup>12</sup> of the Articles of the Code referred to above :—

14. (1) Les noms spécifiques sont :—

- (a) des adjectifs s'accordant en genre avec le nom générique;  
Exemple : *Felis marmorata*.
- (b) des substantifs au nominatif, accolés par voie d'apposition au nom générique;  
Exemple : *Felis leo*.
- (c) des substantifs au génitif.  
Exemples : *rosae, sturionis, antillarum, galliae, sancti-pauli, sanctae-helenae*.

(2) Quand il s'agit d'exprimer une dédicace à une ou plusieurs personnes, le génitif suit les règles de la déclinaison latine, si le nom dont il s'agit a été employé et décliné en latin.

Exemples : *Plinii, Aristotelis, Victoris, Antonii, Elisabethae, Petri* (prenom).

(3) Quand il s'agit de dédier une espèce à une personne portant un nom moderne, le génitif est toujours formé par l'addition au nom exact et complet de la personne, d'un "i," quand celle-ci est un homme, ou de "ae," quand c'est une femme, même si le nom est d'apparence latine; il est mis au pluriel, quand la dédicace est faite à plusieurs personnes du même nom.

Exemples : *Cuvieri, Möbiusi, Nuñezi, Merianae, Sarasinorum, Bosi* (et non *Bovis*), *Salmoni* (et non *Salmonis*).

19. L'orthographe originelle d'un nom doit être conservée, à moins qu'il ne soit évident que ce nom renferme une faute de transcription, d'orthographe ou d'impression.

3. Where an author decides to publish a trivial name based upon a modern patronymic (for example, a name formed in honour of the nineteenth-century collector Leopold von Schrenck) and publishes that name in the genitive singular (as required by the third paragraph of Article 14 of the Code) but with a double terminal "ii" (as *schrenckii*), he clearly offends against that portion of the same paragraph of Article 14, which requires that such a name should be formed with a single terminal "i" (as *schrencki*).

4. In such a case, there may be no evidence whatever to show that the use by the author concerned of the double terminal "ii" is due either (a) to a "faute de transcription" or (b) to a "faute d'orthographe" or (c) to a "faute d'impression." Accordingly, under Article 19 of the Code, if read by itself, the original orthography of the name (*schrenckii*) is to be preserved ("doit être conservée").

5. The question which the Commission had to determine in the present case was, therefore :—

<sup>12</sup> See footnote 5 above.

(A) whether the third paragraph of Article 14 overrides Article 19;

or

(B) whether Article 19 overrides the third paragraph of Article 14,

when, as in the example given in paragraphs 3 and 4 above, the two Articles appear to be in conflict with one another.

6. The effect of answering the above question in the sense indicated in answer "A" would be equivalent to treating Article 14 as though the words "Notwithstanding the provisions of Article 19" were added at the beginning of that Article and of treating Article 19 as though it commenced with the words "Subject to the provisions of Article 14." Conversely, the effect of answering the question in paragraph 5 above in the sense indicated in answer "B" would be equivalent to treating Article 14 as though it commenced with the words "Subject to the provisions of Article 19."

7. Faced with the foregoing problem, the International Commission, after careful consideration, decided in favour of answer "B." Accordingly, the effect of *Opinion 8* is to declare that, in any case where Article 14, third paragraph, and Article 19 are in conflict with one another, Article 19 is to be treated as overriding the third paragraph of Article 14.

8. The problem dealt with in this *Opinion* is a typical example of a case where a legal code contains provisions, each of which, when judged in isolation, is perfectly clear in its meaning, but, where there is a real doubt as to the meaning of the code, when, as occasionally happens, it is necessary to read the two provisions together. However carefully a code is drafted, the possibility of such a situation arising can never be wholly eliminated; when such a situation does arise, it can only be resolved by the question at issue being referred for decision to whatever court or appeal body may have been established for the purpose of interpreting the provisions of the code when their meaning is in doubt.

9. In the case of the International Code of Zoological Nomenclature, the International Congress of Zoology, the body by which the Code was enacted, has constituted the International Commission on Zoological Nomenclature to be the body responsible for interpreting the Code. The case dealt with in *Opinion 8* raised an issue on which, in the absence of an authoritative interpretation, there was room for diametrically opposite opinions.

*Opinion 8* provided the requisite authoritative interpretation, thereby putting an end to all doubts as to the manner in which Article 14, third paragraph, and Article 19 are to be interpreted in relation to one another.

FRANCIS HEMMING.

*Secretary to the International Commission  
on Zoological Nomenclature*

Secretariat of the Commission,  
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*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

Secretary to the Commission

**VOLUME I. Part 18. Pp. 159-170.**

## **OPINION 9**

The use of the name of a composite genus for a component part requiring a name, where the name so used was published on, or before, 31st December 1930.

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## OPINION 9.

**THE USE OF THE NAME OF A COMPOSITE GENUS FOR A COMPONENT PART REQUIRING A NAME, WHERE THE NAME SO USED WAS PUBLISHED ON, OR BEFORE, 31ST DECEMBER 1930.**

**SUMMARY.**—The decision as to whether the name of a composite genus, when made up wholly of older genera, is tenable for a component part requiring a name, depends upon a variety of circumstances. There are circumstances under which such a name may be used, provided that it was published on, or before, 31st December 1930,<sup>1</sup> but there are other circumstances under which such a name may not be used (Articles 30 and 25).

### I.—THE STATEMENT OF THE CASE.

The following case has been submitted for *Opinion* :—

Is the name of a composite genus, when made up wholly of older genera, tenable for a component part requiring a name?

Example: *Phalangipus* Latreille, 1825,<sup>2</sup> is equivalent to *Libinia* Leach, 1815,<sup>3</sup> plus *Doclea* Leach, 1815,<sup>4</sup> plus *Egeria* Leach, 1815<sup>5</sup> (no more and no less).

*Libinia* and *Doclea* are valid names, but *Egeria* is preoccupied.<sup>6</sup> May *Phalangipus* be used in its place?

### II.—DISCUSSION OF THE CASE.

2. The data regarding *Phalangipus* Latreille given in the foregoing are not sufficient to permit an *Opinion* on this particular case, but the principles involved are quite clear and can be illustrated diagrammatically.

3. Let it be assumed that there is a genus *X-us* Smith, 1850.<sup>7</sup>

<sup>1</sup> See NOTE 2 below (pp. 164-166).

<sup>2</sup> The name here referred to is *Phalangipus* Latreille, 1828, *Ency. méth.* 10 (2) (Ins.): 699 (Class Crustacea, Order Decapoda). It will be noted that its correct date of publication is "1828" not "1825" as stated in the petition submitted in this case.

<sup>3</sup> *Libinia* Leach, 1815, *Zool. Miscell.* 2: 129 (Class Crustacea, Order Decapoda).

<sup>4</sup> *Doclea* Leach, 1815, *Zool. Miscell.* 2: 41 (Class Crustacea, Order Decapoda).

<sup>5</sup> *Egeria* Leach, 1815, *Zool. Miscell.* 2: 39 (Class Crustacea, Order Decapoda).

<sup>6</sup> *Egeria* Leach, 1815, is invalid, since it is a homonym of *Egeria* de Roissy, 1805 (*in* Sonnini's Buffon), *Moll.* 6: 324 (Class Pelecypoda, Order Eulamellibranchiata).

<sup>7</sup> See NOTE 3 below (pp. 166-167).

4. If Jones, 1860, proposes a substitute, *Y-us* Jones, for *X-us* Smith, 1850, the type of either becomes automatically type of the other (Article 30(f)), and *Y-us* Jones may be an available name for the genus, but it does not become valid, unless *X-us* Smith is invalidated. Thus :—

*X-us* Smith, 1850 : type, *X-us albus* Smith.

*Y-us* Jones, 1860 = *X-us* Smith, 1850, renamed. *X-us albus* Smith, 1850, becomes the type of *Y-us* Jones. See Article 30(f).

or

*X-us* Smith, 1850 : no type designated.

*Y-us* Jones, 1860 = *X-us* Smith, 1850, renamed with *X-us albus* Smith, 1850, designated type; *X-us albus* Smith becomes type of *X-us* Smith, 1850, also (see Article 30(f)). If *X-us* Smith, 1850, is preoccupied (as by *X-us* Brown, 1800), *Y-us* Jones 1860, if available,<sup>8</sup> may become valid.

5. If Jones, 1860, instead of proposing *Y-us* Jones as substitute for *X-us* Smith, simply uses it in connection with the species which happen to be in *X-us* Smith, it becomes necessary to inquire into the type species (Article 30). If the type of either or of both has not been designated, any author has a right to make such designation (Article 30(g)), and the later history of the names depends upon the genotypes selected. Thus :—

*X-us* Smith, 1850, with *X-us albus* Smith (designated type), *cinereus*, and *niger* (type by "original designation" under Article 30(a)).

*Y-us* Jones, 1860, with *X-us albus* Smith, *cinereus*, and *niger* (designated type) (type by "original designation" under Article 30(a)).

6. Let it be assumed that in 1870 *X-us albus* Smith and *cinereus* are considered congeneric, but generically distinct from *niger*; both *X-us* Smith and *Y-us* Jones may be valid for the respective genera, in case they are available<sup>9</sup> (Article 25). Or :—

*X-us* Smith, 1850, with *X-us albus* (designated type under Article 30(a)), *cinereus* and *niger*.

*Y-us* Jones, 1860, with *X-us albus*, *cinereus*, and *niger*; no type<sup>10</sup> designated, and *Y-us* Jones was proposed as distinct genus, not as *X-us* Smith, 1850, re-named.

<sup>8</sup> The meaning in this context of the expression "if available" is that, in the circumstances here laid down, the name *Y-us* Jones, 1860, will be valid, provided that it is not itself unavailable (a) by reason of being a homonym of some earlier generic name *Y-us* (say, *Y-us* Green, 1790) and therefore incapable of becoming a valid name (Article 34) or (b) by reason of some author before Jones, 1860, having proposed a generic name as a substitute for the preoccupied name *X-us* Smith, 1850.

<sup>9</sup> Such a name could only be not "available" (i.e. "invalid"), (i) if it was either a homonym of a previously published identical generic name and was therefore invalid under Article 34 or (ii) if its type was the type (or was regarded as congeneric with the type) of a genus having an older available generic name, in which case it would be invalid as a synonym under Article 25.

<sup>10</sup> In the original issue of *Opinion* 9, the word "type" appeared by a slip or by a misprint as "types."

7. Let it be assumed that in 1870 the foregoing data are found, and that it is desired to divide the three species in question into two genera (one with *X-us albus* and *cinereus*, the other with *niger*). Any author has the right to designate the type for *Y-us* Jones, 1860 (see Article 30(g)). If *X-us albus* or *cinereus* be designated, *Y-us* Jones, 1860, becomes a synonym<sup>11</sup> of *X-us* Smith, 1850; if *niger* be designated, *Y-us* Jones, 1860, if available<sup>9</sup> for the genus recognised for *niger*, may become its generic name (Article 25).

8. The principles shown in the foregoing examples are to be applied to the more complicated cases also. For instance:—

*X-us* Smith, 1850, monotypic with *X-us albus* Smith, 1850, as type (Article 30(c)).

*Y-us* Jones, 1860, monotypic with *cinereus* as type (Article 30(c)).

*Z-us*, 1870 (not *Z-us* 1800), monotypic with *niger* as type (Article 30(c)).

9. Let it be assumed that in 1880 all three of these monotypic genera are united into one genus which an author, not familiar with nomenclatural principles, calls *M-us*. If this union is justified, *X-us* Smith, 1850, should stand<sup>12</sup> as name of the genus and *M-us* drops as a synonym (Article 25).

10. In 1890, Jones wishes to redivide this genus, with *X-us albus* Smith, 1850, and *cinereus* congeneric, but *niger* generically distinct. It now becomes necessary to inquire whether the type species of *M-us* has ever been designated (Article 30). If it has, then *M-us* must follow that type. If no genotype has been designated for *M-us*, then any author has the right to make the designation (Article 30(g)). Should he designate either *X-us albus* Smith, 1850, or *cinereus*, it is clear that *M-us*, 1880, is ante-dated by *X-us* Smith, 1850, and *Y-us* Jones, 1860 (Article 25). Should he designate *niger*, then *M-us*, 1880, may be used in place of *Z-us*, 1870 (preoccupied by *Z-us*, 1800<sup>13</sup>) (Articles 25 and 30).

<sup>11</sup> It should be noted that this is the first occasion on which the International Commission gave a ruling that Article 30 does not preclude an author, when selecting the type of a given genus "*X-us*," from selecting for that purpose a species included in *X-us* by the original author of that genus, where that species has in the meanwhile become the type of some other genus (*Y-us*). This important decision, though included in this passage of *Opinion* 9 and in a similar passage in *Opinion* 10 (see pp. 174-175 below), both of which were published in 1910, appears to have been largely overlooked, since in 1914 the International Commission considered it necessary to devote a later *Opinion* (*Opinion* 62) exclusively to this subject.

<sup>12</sup> This would not be true if the name *X-us* Smith, 1850, was itself a synonym under Article 34 and therefore invalid.

<sup>13</sup> In the original issue of *Opinion* 9, this date was, through a manuscript, given as "1860" instead of "1800," which, as will be seen from the particulars given in paragraph 8 of this *Opinion*, was the date intended.

11. *Opinion* written by Stiles.

12. *Opinion* concurred in by thirteen (13) Commissioners : Blanchard, Dautzenberg, Graff, Hoyle, Jentink, Jordan,<sup>14</sup> Joubin, Maehrenthal, Monticelli, Schulze, Stejneger, Stiles, Wright.

13. Not voting, two (2) Commissioners : Osborn, Studer.

### Editorial Notes by Francis Hemming, Secretary to the International Commission on Zoological Nomenclature.

#### NOTE 1.

##### *Historical particulars.*

This *Opinion* was published in July 1910 (*Smithsonian Publication* 1938 : 13-14), when the Smithsonian Institution first undertook to publish the *Opinions* rendered by the International Commission on Zoological Nomenclature.

2. This *Opinion* is undated, but it cannot have been adopted earlier than on some date in 1908 (the earliest date on which the earlier *Opinion* 6 can have been adopted<sup>15</sup>) or later than some date in the first half of 1910, since (as shown above) it was published in July of that year.

3. For the reasons explained in paragraph 4 of NOTE 1 to *Opinion* 6,<sup>16</sup> no manuscript or other documents relating to this *Opinion* are preserved in the archives of the International Commission on Zoological Nomenclature.

#### NOTE 2.

*On the limitation imposed on Opinion 9 by the amendment of Article 25 of the International Code adopted by the Tenth International Congress of Zoology at Budapest in 1927.*

In 1927, the International Commission submitted a recommendation to the Tenth International Congress of Zoology at its meeting held at Budapest that Article 25 of the International

<sup>14</sup> The Commissioner here referred to is the late Commissioner David Starr Jordan not Commissioner Karl Jordan, the present President of the Commission, who at the time of the adoption of *Opinion* 9 was not a member of the Commission.

<sup>15</sup> See paragraph 2 of NOTE 1 to *Opinion* 6 (p. 132 above).

<sup>16</sup> See page 132 above.

Code should be amended by the addition of the following new proviso (proviso (c)) :—

- (c) that no generic name nor specific name published after 31st December, 1930, shall have any status of availability (hence also of validity) under the rules, unless and until it is published, either :—
- (1) with a summary of characters (*seu* diagnosis; *seu* definition; *seu* condensed description) which differentiate or distinguish the genus or the species from other genera or species; or
  - (2) with a definite bibliographic reference<sup>17</sup> to such summary of characters (*seu* diagnosis; *seu* definition; *seu* condensed description); and further
  - (3) in the case of a generic name, with the definite unambiguous designation of the type species (*seu* genotype; *seu* autogenotype; *seu* orthotype).

2. The above addition to the Code was approved by the Tenth International Congress of Zoology and came into operation as from midnight 31st December 1930/1st January 1931 (Greenwich Mean Time).

3. As pointed out in NOTE 3 to *Opinion 1*,<sup>18</sup> the effect of the adoption of the foregoing amendment to Article 25 of the Code was to impose a limitation upon the application of *Opinions* previously rendered by the International Commission, interpreting Article 25 of the Code. Every such *Opinion* remained valid and binding, as respects names published on or before 31st December 1930 (the last day prior to the coming into force of the Budapest amendment to Article 25), but, in so far as any such *Opinion* contained an interpretation of that Article at variance with the amended provisions adopted at Budapest, such *Opinion* ceased to be applicable in respect of any name published on or after 1st January 1931 (the date on which the Budapest provisions became operative).

4. The provision (quoted in paragraph 1 above) contained in section (3) of proviso (c) added to Article 25 at Budapest requires that when a new generic name is published, it must, in order to be available (hence valid) be accompanied by "the definite unambiguous designation of the type species." The situation envisaged in *Opinion 9* cannot arise in the case of names published after 31st December 1930, for it is of the essence of that *Opinion* that at least one of the generic names concerned should have been published without a type, whereas, under the Budapest amendment to Article 25, any generic name so published is automatically

<sup>17</sup> For an explanation of the expression "definite bibliographic reference" as here used in Article 25, see *Opinion 138* (1942, *Opinions rendered by the International Commission on Zoological Nomenclature 2* : 29-34).

<sup>18</sup> See pp. 76-78 above.

invalid. The position is therefore that *Opinion* 9 remains valid and binding as respects generic names published in the period from 1st January 1758<sup>19</sup> up to, and including, 31st December 1930, but it is no longer applicable as respects any generic name published after that date. It is for this reason that the words "where the name so used was published on, or before, 31st December 1930" have been added at the end of the title of this *Opinion* and the second sentence of the "summary" has been altered from "There are circumstances under which such a name may be used, others under which it may not be used (Article 30)" to "There are circumstances under which such a name may be used, provided that it was published on, or before, 31st December 1930, but there are other circumstances under which such a name may not be used (Articles 30 and 25)."

## NOTE 3.

*On certain contractions used in the first edition of Opinion 9 for citing the hypothetical names employed in the "discussion of the case" dealt with in that Opinion.*

When *Opinion* 9 was first published (in 1910), the hypothetical names employed in the "discussion of the case" (paragraphs 3-10) were in many cases cited in an abbreviated form, the names of the hypothetical authors and the hypothetical dates of publication being omitted. This method of citing names (which renders the flow of the argument much more difficult to follow) contravenes the principles laid down by the International Commission in *Declaration* 7 (for the text of which see pp. 49-56 above) adopted by the International Commission at their Session held at Budapest in 1927 during the meeting of the Tenth International Congress of Zoology. In that *Declaration*, the Commission made a formal request "that an author who quotes a generic name, or a specific name, or a subspecific name shall add at least once the author and year of publication of the quoted name or a full bibliographic reference." Accordingly, the hypothetical names of the hypothetical genera and species cited in *Opinion* 9 have been inserted in the present edition at those points where they were omitted in 1910.

2. Similarly, where a reference is intended to a hypothetical

<sup>19</sup> See NOTE 3 to *Opinion* 3 (pp. 98-100 above) for 1st January 1758 being taken as the starting date for zoological nomenclature.

specific name but only the trivial component of that name was cited in 1910, the missing generic name has been inserted on the present occasion in order to complete the binominal combination, of which, under Article 2 of the International Code, the scientific designation of every animal consists. See NOTE 4 to *Opinion 1* (pp. 78-79 above).

3. Finally, it should be noted that in the present edition an expanded method of notation has been adopted for each of the three examples cited in paragraph 8 of *Opinion 9*. Each of those examples were intended to represent a hypothetical monotypical genus, with its type species. The method of notation adopted in 1910 for each of these examples is identical, that for the first of them being: "*X-us albus* 1850, monotypic.—(Art. 30c)." The meaning here intended to be conveyed was "*X-us* Smith, 1850, monotypic with *X-us albus* Smith, 1850, as type (Article 30(c))." For the sake of clarity, this expanded method of notation has been adopted for each of these examples in the present edition.

FRANCIS HEMMING.

*Secretary to the International Commission  
on Zoological Nomenclature*

Secretariat of the Commission,  
at the British Museum (Natural History),  
Cromwell Road, LONDON, S.W.7.

1st July 1944.

## THE PUBLICATIONS OF THE COMMISSION.

(obtainable at the Publications Office of the Commission at 41, Queen's Gate, London, S.W.7.)

### Bulletin of Zoological Nomenclature.

This journal has been established by the International Commission as their Official Organ in order to provide a medium for the publication of:—

- (a) proposals on zoological nomenclature submitted to the International Commission for deliberation and decision;
- (b) comments received from, and correspondence by the Secretary with, zoologists on proposals published in the *Bulletin* under (a) above; and
- (c) papers on nomenclatorial implications of developments in taxonomic theory and practice.

The *Bulletin* was established in 1943, in which year three Parts were published. Part 4 was published in 1944. Parts 5 and 6 are in the press.

### Opinions and Declarations Rendered by the International Commission on Zoological Nomenclature.

The above work is being published in three volumes concurrently, namely:—

*Volume 1.* This volume will contain *Declarations* 1-9 (which have never previously been published) and *Opinions* 1-133 (the original issue of which is now out of print). Parts 1-20 (containing *Declarations* 1-9 and *Opinions* 1-11) have now been published. Further Parts will be published shortly.

*Volume 2.* This volume will be issued in 52 Parts, comprising all the decisions taken by the International Commission at their meeting at Lisbon in 1935, namely *Declarations* 10-12 (with Roman pagination) and *Opinions* 134-181 (with Arabic pagination). Part 52 will contain the index and title page of the volume. Parts 1-30, containing *Declarations* 10-12 and *Opinions* 134-160, have now been published. Further Parts will be published shortly.

*Volume 3.* This volume, which commenced with *Opinion* 182, will contain the *Opinions* adopted by the International Commission since their meeting at Lisbon in 1935. Parts 1-5 (containing *Opinions* 182-186) have now been published. Further Parts will be published as soon as possible.



## APPEAL FOR FUNDS

The International Commission appeal earnestly to all institutions and individuals interested in the development of zoological nomenclature to contribute, according to their means, to the Commission's Special (Publications) Fund. Of the total sum of £1,800 required to enable the Commission to issue all the publications now awaiting printing, donations amounting to £819 8s. 7d. were received up to 31st December 1944. Additional contributions are urgently needed in order to enable the Commission to continue their work without interruption. Contributions of any amount, however small, will be most gratefully received.

Contributions should be sent to the International Commission at their Publications Office, 41, Queen's Gate, London, S.W. 7, and made payable to the "International Commission on Zoological Nomenclature or Order" and crossed "Account payee. Coutts & Co."

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# OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

Secretary to the Commission

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## **OPINION 10**

The designation of genotypes for genera  
published with identical limits, on, or before,  
31st December 1930.

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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION OF THE COMMISSION AT THE TIME OF THE ADOPTION OF *OPINION 10*

### The Officers of the Commission

*President* : Professor Raphael Blanchard (France).

*Executive Secretary* : Dr. Charles Wardell Stiles (U.S.A.).

*Recording Secretary* : Professor F. C. von Maehrenthal (Germany).

### The Members of the Commission

#### Class 1910

Monsieur le Professeur Raphael BLANCHARD (France) (*President of the Commission*).

Monsieur le Professeur L. JOUBIN (France).

Dr. Charles Wardell STILES (U.S.A.) (*Executive Secretary to the Commission*).

Dr. Th. STUDER (Switzerland).

Professor R. Ramsay WRIGHT (Canada).

#### Class 1913

Monsieur le Professeur Ph. DAUTZENBERG (France).

Professor William Evan HOYLE (United Kingdom).

Dr. L. von GRAFF (Austria-Hungary).

Professor F. C. von MAEHRENTHAL (Germany) (*Recording Secretary to the Commission*).

Professor F. OSBORN (U.S.A.).

#### Class 1916

Dr. F. A. JENTINK (Netherlands).

Professor David Starr JORDAN (U.S.A.).

Professor F. S. MONTICELLI (Italy).

Herr Geheimrat Dr. F. E. SCHULZE (Germany).

Dr. Leonhard STEJNEGER (U.S.A.).



## OPINION 10.

### THE DESIGNATION OF GENOTYPES FOR GENERA PUBLISHED WITH IDENTICAL LIMITS, ON, OR BEFORE, 31ST DECEMBER 1930.

**SUMMARY.**—If on, or before, 31st December 1930,<sup>1</sup> two genera with the same limits are formed independently by different authors, without designation of genotypes, any subsequent author may designate the genotypes (Article 30(g)), and if the types designated are not specifically identical, the two generic names may (other things being equal) be used for restricted genera containing the types in question (Article 25).

#### I.—THE STATEMENT OF THE CASE.

The following case has been submitted by Miss Mary J. Rathbun for *Opinion* :—

If two genera with the same limits are formed by different authors without designation of types, may a subsequent author, or subsequent authors, designate a different type for each genus and validate both genera ?

Example :—

Suppose *Cancer* Linnaeus, 1758,<sup>2</sup> is composed of species "a," "b," "c" and "d."

*Phalangipus* Fabricius, 1799,<sup>3</sup> is also composed of species "a," "b," "c" and "d."

May Rathbun, 1908, restrict *Cancer* to species "a" and "b," designating "a" as type, and restrict *Phalangipus* to "c" and "d," designating "c" as type, provided that there has been no restriction<sup>4</sup> or designation in the meantime ?

<sup>1</sup> See NOTE 2 below (pp. 176-177).

<sup>2</sup> *Cancer* Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1: 625 (Class Crustacea, Order Decapoda).

<sup>3</sup> There is no such name as *Phalangipus* Fabricius, 1799, that name being used in this context merely as an example of an imaginary case.

<sup>4</sup> There are no circumstances in which, under the International Code, the position as regards the type of a genus (such as the imaginary<sup>5</sup> genus *Phalangipus* Fabricius) published (i) without a type determined under rules (a), (b) or (c) in Article 30 and (ii) with more than two included species can be restricted until such time as a type is definitely designated under rule (f) or rule (g) in Article 30. As pointed out in NOTE 3 on pages 134 and 135 above, *Opinion* 6 provides for restriction only where the original genus contained two species and no more than two species and where later one of these species is made the type of a monotypical genus.

<sup>5</sup> It is important to note that the generic name ("*Phalangipus* Fabricius, 1799") cited in the example given in the petition in this case is purely imaginary. The name *Phalangipus* was not published in 1799 either by

## II.—DISCUSSION OF THE CASE.

2. The principle involved may best be shown if a diagrammatic case be taken : *X-us*, 1850, and *Y-us*, 1860.

3. It is here assumed that *Y-us*, 1860, was not proposed as a substitute for *X-us*, 1850, but that it is a mere accident that the contained species are identical :—

1850	1860
<i>X-us albus</i>	= <i>Y-us albus</i> <sup>6</sup>
<i>X-us cinereus</i>	= <i>Y-us cinereus</i> <sup>6</sup>
<i>X-us flavidus</i>	= <i>Y-us flavidus</i> <sup>6</sup>
<i>X-us niger</i>	= <i>Y-us niger</i> <sup>6</sup>

4. It is assumed that no type (Article 30) has been designated by any author, upon any principle, for either genus, and that Rathbun, 1908, wishes to recognise two genera, one containing *albus* and *cinereus*, the other containing *niger* and *flavidus*.

5. Rathbun clearly has the right to designate types for both *X-us*, 1850, and *Y-us*, 1860 (Article 30(g)); as such types she may select any one of the four species (Article 30(g)); she may select the same species as type for both genera,<sup>7</sup> or she may select a different species for each genus. The generic names in question follow the species selected (Article 25).

6. Thus, if she selects either *albus*, *cinereus*, *flavidus* or *niger*

Fabricius or by anyone else. It was, in fact, not published until 1828, when it was published by Latreille, the earliest publication of this name being *Phalangipus* Latreille, 1828, *Ency. méth.* 10<sup>5</sup>(2) (Ins.) : 699 (Class Crustacea). It is most misleading that the petitioner in this case should have selected an existing generic name (*Phalangipus*) in the Class Crustacea as an example of a generic name in the same Class and should have attached to that name the name of an author who never published it and a date on which it was never published, especially as the imaginary date selected (1799) is far earlier than the actual date (1828) on which this name was first published. Such a selection is calculated to mislead the unwary reader and to lead him into the error of supposing that the name *Phalangipus* Latreille, 1828 (which is a nomenclatorially available name) is invalid as a homonym of the non-existent name "*Phalangipus* Fabricius, 1799."

<sup>6</sup> In accordance with Article 23 of the International Code the name of the author of this species would need to be cited in round brackets on the transfer of the species from its original genus (*X-us*, 1850) to another genus (*Y-us*).

<sup>7</sup> It will be noted that the decision here laid down by the International Commission covers the same ground as that laid down in paragraph 7 of *Opinion* 9. That decision, which is discussed in footnote 11 to that *Opinion* and also that here laid down in *Opinion* 10, antedate by four years the re-statement of the same decision rendered by the Commission in *Opinion* 62 in 1914.

as type of *both* genera, the two generic names become synonyms<sup>8</sup> (Article 25); if she selects either *albus* or *cinereus* for *X-us*, 1850, and either *niger* or *flavidus* for *Y-us*, 1860, or, if she selects either *albus* or *cinereus* for *Y-us*, 1860, and either *flavidus* or *niger* for *X-us*, 1850, the genera would follow the genotypes designated, and might become valid for restricted genera (Articles 30(g), 25, 29).

7. *Opinion* written by Stiles.

8. *Opinion* concurred in by nine (9) Commissioners: Blanchard, Graff, Hoyle, Jentink, Jordan,<sup>9</sup> Monticelli, Stejneger, Stiles, Wright.

9. *Opinion* dissented from by four (4) Commissioners: Dautzenberg, Joubin, Maehrental,<sup>10</sup> Schulze.<sup>10</sup>

10. Not voting two (2) Commissioners: Osborn, Studer.

### III.—SUPPLEMENTARY NOTES BY INDIVIDUAL COMMISSIONERS.

II. Maehrental and Schulze say: <sup>11</sup>—

- (1) Nur die erste Bestimmung des Typus der Gattung, die zweimal begründet und benannt wurde, kann gültig sein. Sobald erkannt wird, dass Species "a," "b," "c," "d" der beider Gattungen identisch sind, hat eine andere Bestimmung des Typus keine Gültigkeit.
- (2) Der Fall gehört zu den vielen Fällen, in welchen subjektiv zu entscheiden ist, ob es sich nur um einen neuen Namen für eine alte Gattung oder um einen Namen für eine neue Gattung handelt. In der Rehabilitierung bisher verworfener Synonyme könnte also die grösste Willkühr stattfinden.

### Editorial Notes by Francis Hemming, Secretary to the International Commission on Zoological Nomenclature.

#### NOTE I.

##### *Historical particulars.*

This *Opinion* was published in July 1910 (*Smithsonian Publication* 1938: 15-16), when the Smithsonian Institution first under-

<sup>8</sup> When the generic names *X-us*, 1850, and *Y-us*, 1860, are here stated to be "synonyms," the meaning is that they are synonymous with one another and that the later published of the two names (i.e. *Y-us*, 1860) is invalid as a synonym of the earlier published of the two names (i.e. *X-us*, 1850).

<sup>9</sup> The Commissioner here referred to is the late Commissioner David Starr Jordan not Commissioner Karl Jordan, the present President of the Commission, who at the time of the adoption of *Opinion* 10 was not a member of the Commission. <sup>10</sup> See paragraph 11 below.

<sup>11</sup> In this *Opinion*, when published in 1910, the following translation was given of the note by Commissioners Maehrental and Schulze:—

- (1) Only the first designation of the type of a genus, which has been twice established and named, can be valid. As soon as it is recognized that species "a," "b," "c" and "d" of both genera are identical, a further determination of genotype has no validity.
- (2) The case is one of many, in which it is to be subjectively determined, whether it involves only a new name for an old genus or a new name for a new genus. In the rehabilitation of synonyms rejected to date the greatest arbitrariness might occur.

took to publish the *Opinions* rendered by the International Commission on Zoological Nomenclature.

2. This *Opinion* is undated but it cannot have been adopted earlier than on some date in 1908 (the earliest date on which the earlier *Opinion* 6 can have been adopted<sup>12</sup>) or later than some date in the first half of 1910, since (as shown above) it was published in July of that year.

3. For the reasons explained in paragraph 4 of NOTE 1 to *Opinion* 6,<sup>13</sup> no manuscript or other unpublished documents relating to this *Opinion* are preserved in the archives of the International Commission on Zoological Nomenclature.

#### NOTE 2.

*On the limitation imposed on Opinion 10 by the amendment of Article 25 of the International Code adopted by the Tenth International Congress of Zoology at Budapest in 1927.*

In 1927, the International Commission submitted a recommendation to the Tenth International Congress of Zoology at its meeting held at Budapest that Article 25 of the International Code should be amended by the addition of the following new proviso (proviso (c)) :—

- (c) that no generic name nor specific name published after 31st December, 1930, shall have any status of availability (hence also of validity) under the rules, unless and until it is published, either :—
- (1) with a summary of characters (*seu* diagnosis; *seu* definition; *seu* condensed description) which differentiate or distinguish the genus or the species from other genera or species; or
  - (2) with a definite bibliographic reference<sup>14</sup> to such summary of characters (*seu* diagnosis; *seu* definition; *seu* condensed description); and further
  - (3) in the case of a generic name, with the definite unambiguous designation of the type species (*seu* genotype; *seu* autogenotype; *seu* orthotype).

2. The above addition to the Code was approved by the Tenth International Congress of Zoology and came into operation as from midnight 21st December 1930/1st January 1931 (Greenwich Mean Time).

3. As pointed out in NOTE 3 to *Opinion* 1,<sup>15</sup> the effect of the adoption of the foregoing amendment to Article 25 of the Code was to impose a limitation upon the application of *Opinions* previously rendered by the International Commission, interpreting

<sup>12</sup> See paragraph 2 to NOTE 1 to *Opinion* 6 (p. 132 above).

<sup>13</sup> See page 132 above.

<sup>14</sup> For an explanation of the expression "definite bibliographic reference" as here used in Article 25, see *Opinion* 138 (1942, *Opinions rendered by the International Commission on Zoological Nomenclature* 2 : 29-34).

<sup>15</sup> See pp. 76-78 above.



Article 25 of the Code. Every such *Opinion* remained valid and binding, as respects names published on or before 31st December 1930 (the last day prior to the coming into force of the Budapest amendment to Article 25), but, in so far as any such *Opinion* contained an interpretation of that Article at variance with the amended provisions adopted at Budapest, such *Opinion* ceased to be applicable in respect of any name published on or after 1st January 1931 (the date on which the Budapest provisions became operative).

4. The provision (quoted in paragraph 1 above) contained in section (3) of proviso (c) added to Article 25 at Budapest requires that when a new generic name is published, it must, in order to be available (hence valid), be accompanied by "the definite unambiguous designation of the type species." The situation envisaged in *Opinion* 10 cannot arise in the case of names published after 31st December 1930, for it is of the essence of this *Opinion* that at least one of the generic names concerned should have been published without a type, whereas, under the Budapest amendment to Article 25, any generic name so published is automatically invalid. The position is therefore that *Opinion* 10 remains valid and binding, as respects generic names published in the period from 1st January 1758<sup>16</sup> up to, and including, 31st December 1930, but it is no longer applicable as respects any generic name published after that date. It is for this reason that the words "on, or before, 31st December 1930" have been added at the end of the title of this *Opinion* and the same words have been inserted between the opening word "If" and the word "two" at the beginning of the "Summary."

FRANCIS HEMMING.

*Secretary to the International Commission  
on Zoological Nomenclature*

Secretariat of the Commission,  
at the British Museum (Natural History),  
Cromwell Road, LONDON, S.W. 7.

15th July, 1944.

<sup>16</sup> See NOTE 3 to *Opinion* 3 (pp. 98-100 above) for 1st January 1758 being taken as the starting date for zoological nomenclature.

## THE PUBLICATIONS OF THE COMMISSION.

(obtainable at the Publications Office of the Commission at 41, Queen's Gate, London, S.W.7.)

### Bulletin of Zoological Nomenclature.

This journal has been established by the International Commission as their Official Organ in order to provide a medium for the publication of:—

- (a) proposals on zoological nomenclature submitted to the International Commission for deliberation and decision;
- (b) comments received from, and correspondence by the Secretary with, zoologists on proposals published in the *Bulletin* under (a) above; and
- (c) papers on nomenclatorial implications of developments in taxonomic theory and practice.

The *Bulletin* was established in 1943, in which year three Parts were published. Part 4 was published in 1944. Parts 5 and 6 are in the press.

### Opinions and Declarations Rendered by the International Commission on Zoological Nomenclature.

The above work is being published in three volumes concurrently, namely:—

*Volume 1.* This volume will contain *Declarations* 1-9 (which have never previously been published) and *Opinions* 1-133 (the original issue of which is now out of print). Parts 1-20 (containing *Declarations* 1-9 and *Opinions* 1-11) have now been published. Further Parts will be published shortly.

*Volume 2.* This volume will be issued in 52 Parts, comprising all the decisions taken by the International Commission at their meeting at Lisbon in 1935, namely *Declarations* 10-12 (with Roman pagination) and *Opinions* 134-181 (with Arabic pagination). Part 52 will contain the index and title page of the volume. Parts 1-30, containing *Declarations* 10-12 and *Opinions* 134-160, have now been published. Further Parts will be published shortly.

*Volume 3.* This volume, which commenced with *Opinion* 182, will contain the *Opinions* adopted by the International Commission since their meeting at Lisbon in 1935. Parts 1-5 (containing *Opinions* 182-186) have now been published. Further Parts will be published as soon as possible.

## APPEAL FOR FUNDS

The International Commission appeal earnestly to all institutions and individuals interested in the development of zoological nomenclature to contribute, according to their means, to the Commission's Special (Publications) Fund. Of the total sum of £1,800 required to enable the Commission to issue all the publications now awaiting printing, donations amounting to £819 8s. 7d. were received up to 31st December 1944. Additional contributions are urgently needed in order to enable the Commission to continue their work without interruption. Contributions of any amount, however small, will be most gratefully received.

Contributions should be sent to the International Commission at their Publications Office, 41, Queen's Gate, London, S.W. 7, and made payable to the "International Commission on Zoological Nomenclature or Order" and crossed "Account payee. Coutts & Co."

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# OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

Secretary to the Commission

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## OPINION 11

The designation of genotypes by Latreille,  
1810, *Consid. gén. Crust. Arach. Ins.*

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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION OF THE COMMISSION AT THE TIME OF THE ADOPTION OF *OPINION 11*

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*Executive Secretary* : Dr. Charles Wardell Stiles (U.S.A.).

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OPINION 11.

THE DESIGNATION OF GENOTYPES BY LATREILLE, 1810,  
CONSID. GÉN. CRUST. ARACH. INS.

SUMMARY.—Subject to the provisions prescribed in *Opinion* 136,<sup>1</sup> the “Table des Genres avec l’indication de l’espèce qui leur sert de type” in Latreille, 1810, *Considérations générales sur l’Ordre naturel des Animaux composant les Classes des Crustacés, des Arachnides, et des Insectes*<sup>2</sup> should be accepted as designation of types of the genera in question.

I.—THE STATEMENT OF THE CASE.

The following case has been submitted by Miss Mary J. Rathbun for *Opinion* :—

SHALL THE SPECIES INDICATED BY LATREILLE IN *CONSIDÉRATIONS GÉNÉRALES SUR L’ORDRE NATUREL DES ANIMAUX COMPOSANT LES CLASSES DES CRUSTACÉS, DES ARACHNIDES, ET DES INSECTES; AVEC UN TABLEAU MÉTHODIQUE DE LEURS GENRES, DISPOSÉS EN FAMILLES*, PARIS, 1810, BE ACCEPTED AS TYPES OF THEIR RESPECTIVE GENERA?

This work is divided into 3 parts.

The first part consists of general considerations; the second part of a “tableau méthodique des Genres” in which the Classes, Orders, Families and genera are given French and equivalent Latin names and definitions. The third part has the following heading: “Table des Genres avec l’indication de l’espèce qui leur sert de type.” In this table the French name of each genus given in Part 2 is repeated and followed by a species “qui sert de type.” Should these species be considered genotypes?

Following is an extract from the table: <sup>3, 4</sup>—

<sup>1</sup> See NOTE 2 below (pp. 185–188).

<sup>2</sup> The full title of this book of Latreille’s is given here in place of the abbreviated title given, when this *Opinion* was published in 1910.

<sup>3</sup> When this *Opinion* was published in 1910, there followed at this point a transcript of the particulars given on page 422 of Latreille’s *Considérations générales* for the first 6 Families of his Order Malacostracés (= Malacostraca). On the occasion of the present reissue of *Opinion* 11, it has been considered preferable to substitute for this transcript a facsimile of the page (: 422)) from which it was copied, thereby ensuring absolute accuracy of reproduction and also the presentation of the required particulars in precisely the same layout as that adopted by Latreille. (In the transcript previously published, the two-column arrangement adopted differed from that used by Latreille in 1810.)

<sup>4</sup> It will be noted that against certain generic names Latreille placed an asterisk; this was to show that he was himself the author of the generic name in question. This is explained by Latreille in the following footnote on page [421], the first page of the “Table des Genres avec l’indication de l’espèce qui leur sert de type” :—

J’ai marqué d’un astérisque les genres qui, me sont propres, du moins quant aux dénominations, en remontant à l’époque (1796) où je publiai mon *Précis des caractères génériques des insectes*.

( 422 )

ORDRE II. MALACOSTRAGÉS. *Malacostraca*.

## FAMILLE I. CANCÉRIDES.

- Podophthalme. *Podophthalmus spinosus*, Lam. ; *portunus vigil*, Fab.  
 Portune. *Portunus pelagicus*, Fab.  
 Dromie. *Dromia Rumphii*, Fab.  
 Crabe. *Cancer pagurus*, Fab.  
 \* Hépaté. *Calappa angustata*, Fab.  
 Calappe. *Calappa granulata*, Fab.  
 Ocypode. *Ocypode ceratophthalma*, Fab.  
 Grapse. *Cancer grapsus*, Fab.  
 \* Plagusie. *Cancer depressus*, Fab.  
 \* Finnothère. *Cancer pisum*, Fab.

## FAMILLE II. OXYRYNQUES.

- Dorippe. *Dorippe quadridens*, Fab.  
 \* Mictyre. *Mictyris longicarpus*, Lat.  
 Leucosie. *Leucosia nucleus*, Fab.  
 \* Coryste. *Albunea dentata*, Fab.  
 \* Lithode. *Inachus maja*, Fab.  
 Maïa. *Parthenope horrida*, Fab. ; ejusd. *Inachus sagittarius*.  
 \* Macrope. *Inachus longirostris*, Fab.  
 Orithyie. *Orithyia memmilla*, Fab.  
 Matute. *Matuta victor*, Fab.  
 Ranine. *Cancer raninus*, Fab.

## FAMILLE III. PAGURIENS

- Albunée. *Albunea symnista*, Fab.  
 \* Renipède. *Hippa adactyla* ? Fab.  
 Hippe. *Hippa emeritus*, Fab.  
 Pagure. *Pagurus Bernhardus*, Fab.

## FAMILLE IV. LANGOUSTINES.

- Scyllare. *Scyllarus arctus*, Fab.  
 Langouste. *Palinurus quadri cornis*, Fab.  
 Porcellane. *Cancer hexapus*, Fab.  
 Galathée. *Galathea strigosa*, Fab.

## FAMILLE V. HOMARDIENS.

- Ecrevisse. *Astacus fluviatilis*, Fab.  
 \* Thalassiné. *Thalassina scorpionides*, LAT. ; HERBST. *Canc. tab. 62* ; *astacus scaber* ? Fab.  
 Alphée. *Alpheus avarus*, Fab.  
 Pénée. *Penæus monodon*, Fab.  
 Palémon. *Palæmon squilla*, Fab.  
 Crangon. *Crangon vulgaris*, Fab.

## FAMILLE VI. SQUILLARES.

- Squille. *Squilla Mantis*, Fab.  
 \* Mysis. *Cancer pedatus*, Oth. Fab.

## FAMILLE VII. CREVETTINES.

- \* Phronyme. *Cancer sedentarius*, Forsk.

NOTE :—The two species given after " Podophthalme " <sup>5</sup> are synonyms. The two species after " Maïa " <sup>6</sup> represent two sections of the genus, sections which Fabricius called respectively *Parthenope* and *Inachus*.

<sup>5</sup> As will be seen from the facsimile given above, Latreille gave no indication whatever that he regarded what he called "*Podophthalmus spinosus* Lam." and "*Portunus vigil* Fab." being only different names for a single

It has been argued that the word "type" as used by Latreille has not the same signification as the "type" of a genus today, but indicated "a type, an example, a specimen of the genus," according to Stebbing.

I discussed this book in "A Revision of the Nomenclature of Brachyura" in 1897, *Proc. biol. Soc. Wash.* 11 : 160, 197.

## II.—DISCUSSION OF THE CASE.

2. Miss Rathbun (1897 : 160) elsewhere states that "It has been argued that '*Astacus fluviatilis* Fab.' is given not as the type, but merely as a type, an example, a specimen of the genus,<sup>7</sup> the handiest one for a Parisian reader to recognize."

3. The Secretary has examined Latreille, 1810, in search of evidence in support of the contention which Miss Rathbun states has been advanced, but he has failed to find it. On the contrary, he finds that Latreille distinctly says "avec l'indication de l'espèce" and not "avec l'indication d'une espèce."

4. If all earlier authors had done as Latreille has here done, there would be very little confusion in nomenclature today, and from the evidence submitted no reason is apparent why Latreille's type designations should not stand as such.

5. It is self-evident that this *Opinion* does not imply that

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species, though it is a fact that eight years before the publication of the *Consid. gén.* Latreille ([1802-1803], (in Sonnini's Buffon), *Hist. nat. gén. partic. Crust. Ins.* 6 : 54) treated *Portunus vigil* Fabricius, 1798, as a synonym of *Podophthalmus spinosus* Lamarck, 1801. Latreille's entry in the *Table des Genres* (in the *Consid. gén.*) in regard to the generic name *Podophthalmus* (= an emendation of *Podophthalmus*) Lamarck, 1801, *Syst. Anim. sans Vert.* : 152, does not constitute a designation of the type of that genus, since *Opinion* 137 excludes from the scope of *Opinion* II all generic names, for which Latreille cited more than one trivial name. See NOTE 2 below (pp. 185-188).

<sup>6</sup> The two species placed by Latreille in the genus *Maja* Lamarck, 1801, *Syst. Anim. sans Vert.* : 154 in the *Table des Genres* (in the *Consid. gén.*) were originally described by Fabricius as *Parthenope horrida* Fabricius, 1798, *Suppl. Ent. syst.* : 353 (which was attributed back to *Cancer horridus* Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1 : 629) and *Cancer sagittarius* Fabricius, 1793, *Ent. syst.* 2 : 442 (placed in the genus *Inachus* by Weber in 1795, *Nomencl. Fabric.* : 93) respectively. So far as the *Table des Genres* is concerned, Latreille placed two species in the genus *Maja* Lamarck, 1801. For this purpose, it is wholly irrelevant that Fabricius may after 1798 have treated the names *Parthenope* and *Inachus* as names of divisions of the genus *Podophthalmus* Lamarck, 1801. Accordingly, Latreille's entry in the *Table des Genres* in regard to this generic name does not constitute a type designation, since *Opinion* 137 excludes from the scope of *Opinion* II all generic names for which Latreille cited more than one trivial name. See NOTE 2 below (pp. 185-188).

<sup>7</sup> The genus here referred to by Miss Rathbun is the genus to which on page 101 of the *Consid. gén.* (in Part 2) Latreille applied the French name "Ecrevisse" and the Latin name *Astacus* and which on page 422 he cited under the name "Ecrevisse" with "*Astacus fluviatilis* Fab." as "l'espèce qui sert de type."

Latreille's (1810) designations should take precedence over any earlier writings.<sup>8</sup>

6. *Opinion* written by Stiles.

7. *Opinion* concurred in by twelve (12) Commissioners: Blanchard, Dautzenberg, Graff, Jentink, Jordan,<sup>9</sup> Joubin, Maehrenthal, Monticelli, Schulze, Stejneger, Stiles, Wright.

8. *Opinion* dissented from by one (1) Commissioner: Hoyle.<sup>10</sup>

9. Not voting, two (2) Commissioners: Osborn, Studer.

### III.—SUPPLEMENTARY NOTE BY AN INDIVIDUAL COMMISSIONER.

10. Hoyle says:—

I think that the evidence adduced by Stebbing (1898)<sup>11</sup> from Latreille's writings shows that he did not use the word "type" in the sense now attributed to it in zoological nomenclature. It was with him synonymous with "example."

### Editorial Notes by Francis Hemming, Secretary to the International Commission on Zoological Nomenclature.

#### NOTE I.

##### *Historical particulars.*

This *Opinion* was published in July 1910 (*Smithsonian Publication* 1938 : 17-18), when the Smithsonian Institution first undertook to publish the *Opinions* rendered by the International Commission on Zoological Nomenclature.

2. This *Opinion* is undated but it cannot have been adopted earlier than on some date in 1908 (the earliest date on which the earlier *Opinion* 6 can have been adopted<sup>12</sup>) or later than on some date in the first half of 1910, since (as shown above) it was published in July of that year.

3. For the reasons explained in paragraph 4 of NOTE I to *Opinion* 6,<sup>13</sup> no manuscript or other unpublished documents

<sup>8</sup> See NOTE 3 below (pp. 188-189).

<sup>9</sup> The Commissioner here referred to is the late Commissioner David Starr Jordan not Commissioner Karl Jordan, the present President of the Commission, who at the time of the adoption of *Opinion* 11 was not a member of the Commission.

<sup>10</sup> See paragraph 10 below.

<sup>11</sup> Stebbing, 1898, *Nat. Sci.* 12 : 239 : "The late lamented Latreille. A Study in Names."

<sup>12</sup> See paragraph 2 of NOTE I to *Opinion* 6 (p. 132 above).

<sup>13</sup> See page 132 above.



relating to this *Opinion* are preserved in the archives of the International Commission on Zoological Nomenclature.

## NOTE 2.

*On the limitation imposed on Opinion II by Opinion 136.*

The practical application of the decision embodied in *Opinion II* offered no difficulty in the case of the vast majority of the genera cited by Latreille in the *Table des Genres* at the end of his *Considérations générales* (: (421)–(444)), namely cases where one species only was cited against a particular genus and where, therefore, that species was clearly the species which, in Latreille's opinion, "sert de type" for the genus in question.

2. On the other hand, a closer inspection of Latreille's *Table des Genres* showed that, especially in the portion relating to the genera of insects, there was an appreciable number of genera, for which Latreille cited more than one species and where, in consequence, his intention was far from clear.

3. In actual fact, no less than ten types of entry were used by Latreille in compiling his *Table des Genres*. The following statement shows how the 857 names dealt with by Latreille were distributed by him among the various types of entry and gives an example of each type:—

- (1) One *nomen specificum* with the name of the author :  
744 genera. Example : "Limule. *Limulus polyphemus*, Fab."
- (2) One *nomen specificum* followed by a question mark and the author's name :  
1 genus. "Remipède. *Hippa adactyla*? Fab."
- (3) One *nomen specificum* for one species and a vernacular name for another :  
2 genera. Example : "Thomise. Araignée citron, De Geer.—*Aranea levipes*, Lin."
- (4) One *nomen specificum* attributed to Walckenaer and followed by the words "Manuscrit communiqué" in brackets :  
2 genera (*Clotho* and *Episinus*). Example : "Clotho. *Clotho Durandii*, Walck. (Manuscrit communiqué)."

*Note* : In neither of the above cases was the specific name in fact an unpublished name, since in both cases, both the generic name and the name of the species had been published by Latreille prior to the publication in 1810 of the *Consid. gén.* In each case Latreille based his descriptions on manuscript notes furnished by Walckenaer. The names *Clotho* and *Clotho durandii* were published by Latreille in 1809, *Gen. Crust. Ins.* 4 : 370–371 ; the names *Episinus* and *Episinus truncatus* were published by Latreille, 1809, *ibid.* 4 : 371.

- (5) One *nomen specificum* not previously published and characterised only through the diagnosis given for the genus, itself here described for the first time.

1 genus : *Filistata* :<sup>14</sup> this is cited as " Filistate. *F. testacea*. Espèce inédite des environs de Marseille."

- (6) Two or more *nomina specifica* or simply *nomina trivialia* :

78 genera : Example : " Erycine. Les pap. de Cramer : *Lamis*, *Fatima*, *Melander*; etc.; les pap. *Lysippus*, *Melibaeus*, etc. de Fab., *entom. system.*"

- (7) One *nomen specificum* and one or more *nomina generica* :

9 genera. Example : " Ichneumon : *Pimpla manifestator*, Fab.; ses genres : *Ophion*, *banchus*, et différentes espèces d'*ichneumon* et de *cryptes (cryptus)*."

- (8) Two or more *nomina specifica* and two or more *nomina generica* :

5 genera. Example : " Satyre.<sup>15</sup> Pap. : *Teucer*, *Phidippus*, *Sophorae*, *Piera*, *Galathaea*, *Maera*, Fab. *entom. system.*; ejusd. gen. : *amathusia*, *brassolis*, *haetera*, *hypparchia* [sic], (*system. glossat.*)"

- (9) Two or more *nomina generica* and no *nomina specifica* or *nomina generica* :

3 genera (*Pentatoma*, *Membracis*, and *Tettigonia*); Example : " Pentatome.—Les genres : *edessa*, *cimex*, *aelia*, *halys*, *cydnus* de Fab."

- (10) A vernacular name for a species, no *nomen specificum* or *nomen genericum* :

12 généra (all in the Arachnida). Examples : (i) " Scytode. Araignée thoracique, Lat. (*Hist. nat. des crust. et des insect.*)" (ii) " Pholcus. *L'araignée domestique à longues pattes*, Geoff."

4. Three further points should be noted in regard to Latreille's *Tables des Genres* :—

- (i) In the *Table des Genres* Latreille cited each of the 857 included genera under its French generic name and the Latin equivalent is only obtainable by reference to the main text of the *Consid. gén.* Example : The first generic name on page (422) is given in the French form " Podophthalme "; the Latin equivalent "*Podophthalmus*" (with the French form " Podophthalme ") is given in the main text of the *Consid. gén.* on page (94).

- (ii) For no single one of the 857 genera concerned did Latreille

<sup>14</sup> See paragraph 3 to NOTE 3 below (p. 189).

<sup>15</sup> In the case of the particular generic name here cited as an example (*Satyrus* Latreille, 1810), the International Commission, acting under their plenary powers, have suspended the rules and (in *Opinion* 142) have designated as the type a species (*Papilio actaea* Esper, [1780]) which was not included in the genus by Latreille in 1810 (see 1943, *Opinions and Declarations rendered by the International Commission on Zoological Nomenclature* 2 : 67-80).

cite an author's name either in the *Table des Genres* or in the main text of the *Consid. gén.* Nor did Latreille give a bibliographical reference for any of these generic names.

- (iii) On page (421), where the *Table des Genres* begins, Latreille added a footnote, of which the first sentence reads: "On sera sans doute frappé de cette discordance que présentent ma nomenclature générique et celle de Fabricius," thus showing that he was largely concerned in the *Table des Genres* with the work of Fabricius. Moreover, the large majority of the species cited in the *Table des Genres* were there attributed by Latreille to Fabricius. Many of these species were, however, described under the same names by earlier authors than Fabricius. Care must, therefore, be taken to avoid the assumption that in every instance Fabricius (and, therefore, also Latreille) correctly identified the species with which a trivial name proposed by an earlier author was associated in the *Table des Genres*.

5. It may be noted also that, where Latreille cited two or more species as belonging to a given genus and the trivial names of those species were published by the same author, Latreille often cited the name of that author only for the first of the trivial names concerned and prefixed the word "ejusd." [= *ejusdem*] to the other trivial name or names.

6. For the reasons explained in paragraphs 2 and 3 above, it was clearly essential that the International Commission on Zoological Nomenclature should render a supplementary *Opinion* making it clear how *Opinion II* was to be interpreted as respects generic names for which Latreille cited more than one species in his *Table des Genres*. In view of the fact that the majority of the cases, on which clarification of the position was required, were in respect of genera of insects, the initiative in approaching the International Commission on Zoological Nomenclature was taken by the International Committee on Entomological Nomenclature, which at its meeting held at Madrid in September 1935 agreed to recommend the International Commission on Zoological Nomenclature to render an *Opinion* making it clear that *Opinion II* applied only to those of the genera cited by Latreille in the *Table des Genres* at the end of his *Considérations générales* in which he placed one only of the species included in the genus by the original author of that genus.

7. The foregoing recommendation was considered by the

International Commission on Zoological Nomenclature at their meeting held at Lisbon on the afternoon of Monday, 16th September 1935, when they agreed (Lisbon Session, 3rd Meeting, Conclusion 1):<sup>16</sup>—

to render an *Opinion* stating that *Opinion* 11, which directs that the “table des genres avec l'indication de l'espèce qui leur sert de type,” which is attached to the *Considérations générales sur l'ordre naturel des animaux composant les classes des Crustacés, des Arachnides, et des Insectes* published by Latreille in 1810, should be accepted as constituting a designation, under Article 30 of the Code, of the types of the genera in question, applies only to those genera there cited by Latreille in which he placed one only of the species included in the genus by the original author thereof.

8. The foregoing decision was rendered by the International Commission on 30th June 1939 as *Opinion* 136 and was published on 28th August 1939.<sup>17</sup>

9. The effect of *Opinion* 136 is to retain within the scope of *Opinion* 11 the generic names falling in the groups numbered (1), (3), (4), (5), and (7) in paragraph 3 above, though for the reasons explained in paragraph 2 to NOTE 3 below it does not necessarily follow that the single species cited for each of these genera by Latreille in his *Table des Genres avec l'indication de l'espèce qui leur sert de type* (pp. (421)–(444) of the *Consid. gén.*) is the type of the genus concerned. The generic names falling in the groups numbered (2), (6), (8), (9), and (10) of paragraph 3 of the present NOTE are excluded from the scope of *Opinion* 11 by *Opinion* 136.

10. The adoption by the Commission of *Opinion* 136 involved automatically a slight addition to the “summary” of *Opinion* 11, to which it was expressly stated to be a supplement. This consisted in the insertion at the beginning of the “summary” of the words “Subject to the provisions prescribed in *Opinion* 136.”

#### NOTE 3.

*On certain classes of names excluded from scope of Opinion 11, other than those excluded by Opinion 136.*

In paragraph 5 of *Opinion* 11, the Commission pointed out that nothing in that *Opinion* was to be taken as implying that the type designations in Latreille's *Tables des Genres* at the end of the *Consid. gén.* should “take precedence over any earlier writings.”

2. This means first that nothing in the *Table des Genres* affects

<sup>16</sup> See 1943, *Bull. zool. Nomencl.* 1: 26.

<sup>17</sup> See 1939, *Opinions and Declarations rendered by the International Commission on Zoological Nomenclature* 2: 13–20.

the status of any genus for which a type had been duly designated either by its original author or by some subsequent author prior to the publication in 1810 of Latreille's *Consid. gén.* Second, it means that nothing in the *Table des Genres* can affect the type of a monotypical genus. Third, it means nothing in the *Table des Genres* can make the type of a genus a species which was not originally included in it.

3. It must be recalled also that *Opinion* 43 lays it down that, where (prior to 1st January 1931) an author describes a new genus and places in that genus one new species for which he gives no separate description, the description given for the genus is to be held to cover also the new species. In such a case the trivial name published for the new species is available nomenclatorially, since it was published in a manner which satisfies the requirements of Article 25 of the Code. An example of such a case is provided by *Filistata* Latreille, 1810, *Consid. gén. Crust. Arach. Ins.* : (121) and *Filistata testacea* Latreille, 1810, *ibid.* : (424). On pages (121) and (122) (*i.e.* in the main text of the *Consid. gén.*) Latreille gave a diagnosis of this genus under its French name "Filistate" and its Latin equivalent "*Filistata*." No species was cited for this genus under a scientific name but at the end of the description there appear the following words: "Espèce inédite trouvée aux environs de Marseille." On page (424) in the *Table des Genres* the following entry is found: "*Filistata. F. testacea.* Espèce inédite des environs de Marseille." Under *Opinion* 43 the diagnosis given (on p. (121)) for the genus *Filistata* Latreille (n. gen.) covers also the sole included species *Filistata testacea* Latreille (n. sp.). Accordingly, this specific name is a name published in a manner which satisfies the requirements of Article 25 of the Code. That species is therefore the type of the genus *Filistata* Latreille (i) because it is the type by monotypy and (ii) because it was cited as the type by Latreille in the *Tables des Genres* in conditions which satisfy the requirements of *Opinion* 137.

FRANCIS HEMMING.

*Secretary to the International Commission  
on Zoological Nomenclature*

Secretariat of the Commission,  
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Cromwell Road, LONDON, S.W.7.

19th August 1944.

## THE PUBLICATIONS OF THE COMMISSION.

obtainable at the Publications Office of the Commission at 41, Queen's Gate, London, S.W.7.)

### Bulletin of Zoological Nomenclature.

This journal has been established by the International Commission as their Official Organ in order to provide a medium for the publication of:—

- (a) proposals on zoological nomenclature submitted to the International Commission for deliberation and decision;
- (b) comments received from, and correspondence by the Secretary with, zoologists on proposals published in the *Bulletin* under (a) above; and
- (c) papers on nomenclatorial implications of developments in taxonomic theory and practice.

The *Bulletin* was established in 1943, in which year three Parts were published. Part 4 was published in 1944. Parts 5 and 6 are in the press.

### Opinions and Declarations Rendered by the International Commission on Zoological Nomenclature.

The above work is being published in three volumes concurrently, namely:—

*Volume 1.* This volume will contain *Declarations* 1-9 (which have never previously been published) and *Opinions* 1-133 (the original issue of which is now out of print). Parts 1-20 (containing *Declarations* 1-9 and *Opinions* 1-11) have now been published. Further parts will be published shortly.

*Volume 2.* This volume will be issued in 52 Parts, comprising all the decisions taken by the International Commission at their meeting at Lisbon in 1935, namely *Declarations* 10-12 (with Roman pagination) and *Opinions* 134-181 (with Arabic pagination). Part 52 will contain the index and title page of the volume. Parts 1-30, containing *Declarations* 10-12 and *Opinions* 134-160, have now been published. Further Parts will be published shortly.

*Volume 3.* This volume, which commenced with *Opinion* 182, will contain the *Opinions* adopted by the International Commission since their meeting at Lisbon in 1935. Parts 1-5 (containing *Opinions* 182-186) have now been published. Further Parts will be published as soon as possible.

## APPEAL FOR FUNDS

The International Commission appeal earnestly to all institutions and individuals interested in the development of zoological nomenclature to contribute, according to their means, to the Commission's Special (Publications) Fund. Of the total sum of £1,800 required to enable the Commission to issue all the publications now awaiting printing, donations amounting to £819 8s. 7d. were received up to 31st December 1944. Additional contributions are urgently needed in order to enable the Commission to continue their work without interruption. Contributions of any amount, however small, will be most gratefully received.

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# OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

Secretary to the Commission

**VOLUME 1. Part 21. Pp. 191-206.**

## **OPINION 12**

*Stephanoceros fimbriatus* (Goldfuss, 1820) versus  
*Stephanoceros eichhornii* Ehrenberg, [1832] (Class  
Rotifera, Order Flosculariacea)



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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION OF THE COMMISSION AT THE TIME OF THE ADOPTION OF *OPINION 12*

### The Officers of the Commission

*President* : Professor Raphael Blanchard (France).

*Executive Secretary* : Dr. Charles Wardell Stiles (U.S.A.).

*Recording Secretary* : Professor F. C. von Maehrenthal (Germany).

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Monsieur le Professeur L. JOUBIN (France).

Dr. Charles Wardell STILES (U.S.A.) (*Executive Secretary to the Commission*).

Dr. Th. STUDER (Switzerland).

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Herr Geheimrat Dr. F. E. SCHULZE (Germany).

Dr. Leonhard STEJNEGER (U.S.A.).



OPINION 12.

*STEPHANOCEROS FIMBRIATUS* (GOLDFUSS, 1820)  
VERSUS *STEPHANOCEROS EICHHORNII* EHRENBURG,  
[1832] (CLASS ROTIFERA, ORDER FLOSCULARIACEA).

**SUMMARY.**—The generic name *Stephanoceros* Ehrenberg, [1832]<sup>1</sup> (Class Rotifera, Order Flosculariacea), is to be used in preference to *Coronella* Goldfuss, 1820<sup>2</sup> (preoccupied by *Coronella* Laurenti, 1768<sup>3</sup>); the specific name *Coronella fimbriata*<sup>4</sup> Goldfuss, 1820,<sup>5</sup> takes precedence over *Stephanoceros eichhornii* Ehrenberg, [1832],<sup>6</sup> which is admittedly (Ehrenberg, 1832 : 125<sup>7</sup> and 1838 : 400–401<sup>8</sup>) *Coronella fimbriata*<sup>4</sup> Goldfuss, 1820, renamed. Ehrenberg was right in rejecting *Coronella* Goldfuss, 1820, but in error in rejecting *Coronella fimbriata*<sup>4</sup> Goldfuss, 1820; no reason is apparent for perpetuating his error.

I.—THE STATEMENT OF THE CASE.

The following case has been submitted by Professor Charles F. Rousselet for *Opinion* :—

The well-known Rotifer "*Stephanoceros eichhornii*" was first discovered by Pastor Eichhorn at Danzig in 1761, and he published a figure and description of it in 1775,<sup>9</sup> calling the animal "Der Kron-Polyp."

In 1820 Goldfuss in his *Handbuch der Zoologie* placed this Rotifer with

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<sup>1</sup> *Stephanoceros* Ehrenberg, [1832], *Abh. preuss. Akad. Wiss.* 1831 : 125. It will be noted that the paper in which this name first appeared was not published until 1832, although it was included in the volume for the year 1831. The date was incorrectly given as 1831 when this *Opinion* was published in 1910.

<sup>2</sup> *Coronella* Goldfuss, 1820, *Handb. Zool.* (1) : 77.

<sup>3</sup> *Coronella* Laurenti, 1768, *Spec. med. Syn. Rept.* : 84 (Class Reptilia).

<sup>4</sup> When this *Opinion* was published in 1910, this specific trivial name was inadvertently given as *fimbriatus* instead of as *fimbriata* and the generic name was omitted. See also footnote 19.

<sup>5</sup> *Coronella fimbriata* Goldfuss, 1820, *Handb. Zool.* (1) : 77.

<sup>6</sup> *Stephanoceros eichhornii* Ehrenberg, [1832], *Abh. preuss. Akad. Wiss.* 1831 : 125.

<sup>7</sup> The paper of Ehrenberg's here referred to is that cited above in footnote 1.

<sup>8</sup> Ehrenberg, 1838, *Die Infusorienthierch.* : 400–401.

<sup>9</sup> Eichhorn, 1775, *Beyträge zur Natur-Geschichte der kleinsten Wasser-Thiere, die mit keinem blossen Auge können gesehen werden.* . . . etc.

*Coryne* Gärtner<sup>10</sup> and *Cristatella* Lamarck<sup>11</sup> amongst the polyps under the name "*Coronella fimbriata*" as cited by Ehrenberg.

In 1831<sup>12</sup> Ehrenberg, recognizing the true nature of the creature as a Rotifer, gave the first correct description and figure, which in 1838<sup>8</sup> were reproduced in his great work *Die Infusorienthierchen*<sup>13</sup> as "*Stephanoceros eichhornii*," under which name it has been known ever since and referred to in numberless works.

Quite recently some zoologists (beginning with Montgomery, 1903, *Proc. Acad. nat. Sci. Philad.* 55 : 374) have resuscitated Goldfuss' specific<sup>14</sup> name "*fimbriata*" as having priority, which is likely to cause much needless confusion. I therefore desire to inquire whether there is under the present rules any justification for changing this name, and whether the new name of "*Stephanoceros fimbriatus*" must be accepted.

It seems to me that as regards Rotifera (and a few other classes of microscopic animals) the early descriptions are very wild and unreliable, until Ehrenberg in 1838, with a full knowledge of his predecessors' work, put this Class in order. In the words of Dr. Hudson "Ehrenberg's work swallowed up, as it were, the very memory of all his predecessors," and it may be well said of him that he was the founder of this branch of zoology. To go beyond Ehrenberg in naming species of this Class will certainly cause much confusion, as shown by above example, which might perhaps be avoided if it were possible to frame a proper rule by your committee.<sup>15</sup>

## II.—DISCUSSION OF THE CASE.

2. Upon basis of these premises the Commission draws the following conclusions :—

- (1) Under Article 34 of the Code, the name *Coronella* Goldfuss, 1820,<sup>16</sup> must be rejected as absolute homonym, since it is preoccupied by *Coronella* Laurenti, 1768,<sup>17</sup> reptile.
- (2) Under Article 25 of the Code, the specific name *Coronella fimbriata*<sup>18</sup>,<sup>19</sup>

<sup>10</sup> *Coryne* Gärtner, 1774, in Pallas, *Spic. zool.* 1 (10) : 40. When this *Opinion* was published in 1910 the name was misspelt *Coryna* and the author's name omitted.

<sup>11</sup> *Cristatella* Lamarck, 1801, *Syst. Anim.* : 385. When this *Opinion* was published in 1910, the name of the author of *Cristatella* was omitted.

<sup>12</sup> The date of this paper of Ehrenberg's is 1832 not 1831. See footnote 1.

<sup>13</sup> The full title of this work is *Die Infusorienthierchen als vollkommene Organismen*.

<sup>14</sup> The scientific designation of animals is binominal for species (Article 2). Accordingly, the "specific name" bestowed on this species is "*Coronella fimbriata*" not "*fimbriata*." The word "*fimbriata*" is the "trivial name" of the species, not its "specific name."

<sup>15</sup> The reference here is to the International Commission on Zoological Nomenclature.

<sup>16</sup> See footnote 2.

<sup>17</sup> See footnote 3.

<sup>18</sup> See footnote 5.

<sup>19</sup> When this *Opinion* was published in 1910, the generic name was omitted in the references made to this species in this and the immediately following sub-paragraph of paragraph 2 and also in the "summary" to the *Opinion*, only the "trivial name" being given. On the present occasion, the specific name is printed in full on each occasion. For the distinction

Goldfuss, 1820, takes precedence over the specific name *Stephanoceros eichhornii* Ehrenberg, [1832].<sup>20, 21</sup>

Ehrenberg, 1832 (: 125<sup>22</sup>) and 1838 (400-401<sup>23</sup>) admits that "*eichhornii*" is a new name for "*fimbriata*," but he gives no reason for rejecting *fimbriata*; neither is there any reason for such rejection given in the communication now before the Commission, nor can any be found in the literature cited. On the contrary, Ehrenberg shows by his statements and by his bibliographic references that Eichhorn's plate 1 figure 1, which Ehrenberg distinctly refers to as a recognizable illustration, and which Goldfuss cites as basis for the specific name *Coronella fimbriata*,<sup>19</sup> is also the basis for the specific name *Stephanoceros eichhornii*.<sup>19</sup>

- (3) From the foregoing, it is clear that Ehrenberg was right in rejecting the generic name *Coronella* Goldfuss, 1820, but his rejection of the specific name *Coronella fimbriata* Goldfuss, 1820,<sup>19</sup> and substitution thereof of the specific name *Stephanoceros eichhornii* Ehrenberg, 1832,<sup>19</sup> were not in harmony with any code of zoological nomenclature that has ever been established.
- (4) Montgomery, 1903, in adopting the combination *Stephanoceros fimbriatus* (Goldfuss, 1820)<sup>24</sup> was, under the premises, justified, and this combination should be accepted, unless additional facts can be adduced to show such action unwarranted under the Code.

3. The words of Dr. Hudson "Ehrenberg's work swallowed up, as it were, the very memory of all his predecessors" cannot be accepted as sufficient grounds for the perpetuation of Ehrenberg's error in renaming a systematic unit which had been validly named by one of his predecessors.

4. It may be admitted as possible that temporary confusion will result from the application of the Law of Priority to the species in question, but such confusion will assuredly be less than would result from the recognition of the first exception to the Law of Priority,<sup>25</sup> which would be permanent in character, and at the

between the "generic name" and the "trivial name" of a species, see footnote 14. In the "summary" the "trivial name" of this species was given as "*fimbriatus*" (the correct grammatical form, if the species is referred to the genus *Stephanoceros* Ehrenberg) instead of as *fimbriata* (the form agreeing in gender with *Coronella* Goldfuss).

<sup>20</sup> See footnote 6.

<sup>21</sup> In the passages of the original edition of *Opinion 12* referred to in footnote 19 above, the generic name of this species was omitted in the references made to this species, only the trivial name being cited.

<sup>22</sup> See footnote 7.

<sup>23</sup> See footnote 8.

<sup>24</sup> The name of the author and the date are here placed in round brackets in accordance with the provisions of Article 23 of the Code, in order to make it clear that, when Goldfuss first published the trivial name *fimbriata* for this species, he placed the species in a genus other than that to which it is here assigned.

<sup>25</sup> For an account of the reasons which some years later caused the International Commission unanimously to recommend the International Congress of Zoology to confer upon them plenary powers to suspend the rules in certain cases, see NOTE 2 below (pp. 198-201).

same time establish a precedent for repeated waivers of its provisions by individual zoologists.

5. The Commission is, therefore, clearly of the opinion that, unless the Law of Priority is strictly applied, no uniformity in International Zoological Nomenclature can obtain,<sup>25</sup> and that it is wiser for the present generation to bear with the temporary inconvenience of a few changes than to transmit to future generations our nomenclatural problems, augmented a hundredfold by the addition of the ever-increasing number of systematic units, made possible by the like increase in the amount of literature.

6. *Opinion* written by Stiles.

7. *Opinion* concurred in by fourteen (14) Commissioners: Blanchard, Dautzenberg, Graff, Hoyle,<sup>26</sup> Jentink, Jordan,<sup>27</sup> Joubin, Maehrenthal, Monticelli, Osborn, Schulze, Stejneger,<sup>28</sup> Stiles,<sup>29</sup> Wright.

8. Not voting: Studer.

### III.—SUPPLEMENTARY NOTES BY INDIVIDUAL COMMISSIONERS.

9. Stejneger adds:—

While concurring in the *Opinion* "*Stephanoceros fimbriatus* (Goldfuss, 1820) versus *Stephanoceros eichhornii* Ehrenberg, [1832]," I wish to call attention to my separate vote in the case "*Craspedacusta sowerbii* versus *Limnocoedium victoria*,"<sup>30</sup> first section, in which I protest against the practice of guaranteeing the correctness of the nomenclatural premises.<sup>31</sup> In the present case I do not wish to render a separate, formal opinion, because I take it for granted that, if my colleagues on reconsideration adopt my views, the phraseology will also be altered in the present case. The danger of complications is very great. The other day a case was sent to me for my personal opinion. Of course, I refused to give it, saying that as a member of the Commission before which the identical case may be brought some day, it would be improper to give an individual opinion.

<sup>26</sup> See paragraph 10 below.

<sup>27</sup> The Commissioner here referred to is the late Commissioner David Starr Jordan not Commissioner Karl Jordan, the present President of the Commission, who at the time of the adoption of *Opinion* 12 was not a member of the Commission.

<sup>28</sup> See paragraph 9 below.

<sup>29</sup> See paragraph 11 below.

<sup>30</sup> The case here referred to is that dealt with in *Opinion* 15.

<sup>31</sup> Some years later, the grant to the International Commission of additional duties and powers made it necessary for them to accept full responsibility for the nomenclatorial premises on which their *Opinion* was based. Naturally, in the discharge of this responsibility the International Commission found it essential to examine the premises submitted to them much more closely than had previously been necessary. See NOTE 3 below (pp. 201-202).

Nevertheless, I looked up the case *to some extent* and found three errors in the statement of facts. It was a very complicated case and many of the most difficult ones are apt later to be presented to us by the ornithologists of the A.O.U. I would also suggest that the cases be *numbered consecutively* for easy citation.<sup>32</sup>

10. Hoyle adds <sup>33</sup> :—

In regard to the enclosed, I hold that your decisions are absolutely correct according to the Code and I have signed them, though with a reservation.

These two cases <sup>34</sup> are, I think, good instances of the point, which I wish to bring before the Commission at its next sitting, as I believe I have already notified you.

The proposal is that we should imitate the botanists and draw up a list of names which are not to be altered under any pretext whatever.<sup>35</sup> I believe this would conduce to uniformity and to the acceptance of the labours of the Commission by zoologists in general.

In the first case,<sup>36</sup> the species has never been called anything but *Limnocolidium sowerbii*, and though I agree with you that scientific names are not matters for negotiation and compromise, I think that in a case where this was done at the very outset before any comparison had time to arise, zoologists would be well advised in ratifying the arrangement.

I thoroughly agree with Stejneger's observations.

11. Note by Stiles :—

The amendment [proposed by Commissioner Stejneger] is accepted by Blanchard, Jentink, Joubin, Monticelli, Stiles.

The other Commissioners did not express any vote for or against the amendment, but, as it was accepted by Stiles as part of the original *Opinion*, they inferentially accepted it.

**Editorial Notes by Francis Hemming, Secretary to the International Commission on Zoological Nomenclature.**

NOTE I.

*Historical particulars.*

This *Opinion* was published in July 1910 (*Smithsonian Publication* 1938 : 19-21), when the Smithsonian Institution first undertook to publish the *Opinions* rendered by the International Commission on Zoological Nomenclature.

<sup>32</sup> This observation refers to the numbering of cases while under consideration by the Commission and before any decision had been reached thereon. Commissioner Stejneger's suggestion was adopted by the Secretary to the Commission.

<sup>33</sup> When *Opinions* 1-25 were published together in 1910, the note by Commissioner Hoyle quoted in this paragraph appeared only in *Opinion* 15, but in *Opinion* 12 attention was drawn to it by the following sentence : "For remarks by Hoyle, see *Opinion* 15."

<sup>34</sup> The "two cases" here referred to are those dealt with in *Opinions* 12 and 15. See also footnote 33.

<sup>35</sup> For the circumstances in which later this proposal was substantially adopted, see NOTE 2 below (pp. 198-201).

<sup>36</sup> For this case, see *Opinion* 15.

2. This *Opinion* is undated but it cannot have been adopted earlier than on some date in 1908 (the earliest date on which the earlier *Opinion* 6 can have been adopted <sup>37</sup>) or later than on some date in the first half of 1910, since (as shown above) it was published in July of that year.

3. For the reasons explained in paragraph 4 of NOTE 1 to *Opinion* 6,<sup>38</sup> no manuscript or other unpublished documents relating to this *Opinion* are preserved in the archives of the International Commission on Zoological Nomenclature.

#### NOTE 2.

*The modification of the views expressed in paragraphs 4 and 5 of Opinion 12, consequent upon the decisions taken by the International Commission on Zoological Nomenclature and by the Ninth International Congress of Zoology at Monaco in 1913.*

*Opinion* 12 was rendered by the International Commission on some date during the period 1908–1910,<sup>39</sup> *i.e.* about half-way through the period between the adoption of the International Code of Zoological Nomenclature at Berlin in 1901 and the settlement in 1913 of the question whether any provision should be made for dealing exceptionally with cases where the most rigorous application of the Law of Priority would clearly result in greater confusion than uniformity. This question was one of those around which controversy had centred at Berlin during the discussions on the draft of the International Code and for which no solution had then been found possible. Accordingly, Article 25 of the International Code was finally approved at Berlin in a form which made no provision whatever for the grant of exceptional treatment in particular cases.

2. In view of the decisions taken at Berlin, it became the duty of the International Commission in the years following 1901 to take up the position (as they did, for example, in *Opinions* 12 and 15) that in no circumstances could any departure from the Law of Priority be countenanced. The note attached by Commissioner Hoyle to his adherence to these *Opinions* <sup>40</sup> shows, however, that as early as 1908–1910 the question of finding some means of

<sup>37</sup> See paragraph 2 of NOTE 1 to *Opinion* 6 (p. 132 above).

<sup>38</sup> See page 132 above.

<sup>39</sup> See paragraph 2 of NOTE 1 above.

<sup>40</sup> See paragraph 10 of the present *Opinion* (page 197 above).

escape from the difficulties caused in certain cases by operation of the Law of Priority was already under discussion between the members of the International Commission.

3. In 1910, this question was debated at length by the International Commission at their meeting held at Graz during the Eighth International Congress of Zoology. At that meeting, the International Commission decided to recommend the Congress to approve the establishment of the *Official List of Generic Names in Zoology*, in the hope that it would be possible thereby to show that, as respects many important and commonly-used generic names, the strict application of the Law of Priority was not inconsistent with the maintenance of long-established practice. This proposal was approved in principle by the Congress but it was not until the meeting of the Ninth International Congress of Zoology at Monaco in 1913 that the detailed scheme was finally adopted.<sup>41</sup>

4. The establishment of the *Official List* greatly narrowed the field of controversy, but it did not—and in the nature of things could not—do anything to ease the difficulties at precisely the point where they were most acute, namely where there was a direct conflict between the Law of Priority and long-established practice. It was inevitable, therefore, that the question should again be reviewed by the International Commission, when at Monaco in 1913 they came to work out the details for the establishment of the *Official List*. In their report to the Monaco Congress, the International Commission frankly admitted that the Law of Priority was “a harsh Law and produces inconveniences.” Nevertheless, the International Commission did not feel (see paragraph (98) of the Commission’s report) that the time was ripe for them to bring forward the proposals for reaching a definite solution of this problem, on which they had been working for some time (paragraph (111) of the Commission’s report). Instead, the Commission brought forward a proposal for the establishment of a list of names to be known as the “Transitional List,” the proposal being that names on this “List,” even if not in accord with the Law of Priority, were to be used until the close of the period fixed as the “Transitional Period” for the group concerned. This proposal did not commend itself to either party to the controversy and, in consequence, the International Commission agreed to give further consideration to the matter before the close of the Congress. In their first report to the Congress, the Commission

<sup>41</sup> For a detailed account of the establishment of the *Official List*, see Hemming, 1943, *Bull. zool. Nomencl.* 1 : xi-xvi.

had recognised that there was a strong desire both inside and outside the Congress that this question should "now be settled definitely, finally and once for all." This conviction was strengthened by the discussion that had taken place in the Section on Nomenclature. The result was that, in their "Supplemental Report," the Commission came forward with the proposal that this question should be settled by the grant to the International Commission of plenary powers to suspend the rules, as applied to any given case, where, in the judgment of the Commission, the strict application of the rules will clearly result in greater confusion than uniformity. This proposal was approved and adopted by the Monaco Congress.

5. The Monaco settlement, which was largely due to the patience and diplomatic skill displayed by Commissioner C. W. Stiles, then Secretary to the Commission, secured a two-fold object, thereby obtaining the support of those who at that time were opposed to any weakening of the provisions in the Code relating to the Law of Priority and also of those who favoured the grant of some relief in those cases, where the Law of Priority operated most harshly : first, this settlement provided for the maintenance intact of the portions of the Code relating to the Law of Priority ; second, this settlement provided machinery (hedged around with numerous safeguards), by means of which it became possible, within the framework of law, to secure relief in those cases where the Law of Priority, if applied in its most rigorous form, would operate to the disadvantage of zoological science. The machinery so provided became an integral part of the international system of zoological nomenclature and, by reason of so becoming, in no way detracted from the force and vigour of the Law of Priority.<sup>42</sup>

6. The text of the instrument embodying the Monaco settlement is given in full in *Declaration 5* (1943, *Opinions and Declarations rendered by the International Commission on Zoological Nomenclature 1* : 31-40).

7. It should be noted that, in order to set at rest any fears that otherwise have arisen that the International Commission might use its plenary powers in order to reverse a decision taken under those powers at an earlier date (and thereby introduce an element of uncertainty into nomenclature), the International Congress of

<sup>42</sup> A detailed account of the discussions leading up to the grant to the International Commission on Zoological Nomenclature of "plenary powers" to suspend the rules in certain cases will be found in 1943, *Bull. zool. Nomencl.* **1** : xvii-xxi.



Zoology at Monaco inserted in the "Plenary Powers" instrument (Article 2) a self-denying ordinance, binding both upon the Congress itself and upon its agent the International Commission on Zoological Nomenclature, whereby the International Congress expressly declared that any decision taken under the "plenary powers," even in the exceptional case where those powers were used by a majority vote, was "final and without appeal," so far as the Congress was concerned. There is thus no possible means by which a case once settled by a decision taken under the "plenary powers" can at any later time be reversed or modified.

## NOTE 3.

*On the duty of taking into account not only the premises submitted as respects particular names but also all relevant considerations in regard thereto, imposed upon the International Commission on Zoological Nomenclature by the Ninth International Congress of Zoology at Monaco in 1913.*

At the time when Commissioner Stejneger advocated the adoption by the International Commission of the practice of basing their *Opinions* on particular names solely upon the nomenclatorial premises submitted, without in any way guaranteeing the accuracy of those premises,<sup>43</sup> the only power possessed by the International Commission was that of interpreting the International Code; it was at that time no part of the duties of the Commission to lay down, as regards any given organism, what under the Code was its correct name, either generic or trivial. Accordingly, in dealing with cases submitted to them, which involved the names of particular organisms, the function of the Commission was to render an *Opinion* stating what, on the basis of the nomenclatorial premises submitted, was the correct name for the organism in question, under a due interpretation of the relevant provisions of the International Code.

2. In this, as in many other respects, the whole situation underwent a complete transformation when at Monaco in 1913 the powers and duties of the Commission were greatly extended by the International Congress. The extended powers so granted were (i) the grant to the Commission of "plenary power" to suspend the rules in certain cases and (ii) the placing upon the Commission of the duty of establishing and maintaining the

<sup>43</sup> See the note by Commissioner Stejneger quoted in paragraph 9 of *Opinion 12* (pp. 196-197 above).

*Official List of Generic Names in Zoology*. Under the first of these powers (some aspects of which are discussed in NOTE 2 above), it became the duty of the Commission to satisfy itself by every means in its power as to the accuracy of the nomenclatorial premises submitted, since the use of the "plenary powers" represents in any given case a definite and final decision regarding the name or names involved. It is therefore a decision which should only be taken after a most careful examination of all relevant considerations. The use of the power to place generic names on the *Official List* also involves a serious responsibility and one which can only properly be discharged by the Commission taking all practicable measures to satisfy themselves regarding both the accuracy and the completeness of the nomenclatorial premises of cases submitted to the Commission.

3. Finally, at their meeting held at Lisbon in 1935, the International Commission formally recognised that it was their duty, by reference to the original authorities or otherwise, to check the accuracy of the bibliographical and other references cited in petitions submitted to them and to correct any errors which might be so detected (Lisbon Session, 5th Meeting, Conclusion 1(c)).<sup>44</sup> It was as part of this decision that the Commission then agreed that the action described above was to be taken as regards all the items included in the report then submitted by the Commission to the Twelfth International Congress of Zoology, before the text of that report was officially printed.

FRANCIS HEMMING .

*Secretary to the International Commission  
on Zoological Nomenclature*

Secretariat of the Commission,  
at the British Museum (Natural History),  
Cromwell Road, LONDON, S.W.7.

1st September, 1944.

<sup>44</sup> See 1943, *Bull. zool. Nomencl.* 1 : 44.

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- (c) papers on nomenclatorial implications of developments in taxonomic theory and practice.

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*Volume 1.* This volume will contain *Declarations* 1-9 (which have never previously been published) and *Opinions* 1-133 (the original issue of which is now out of print). Parts 1-21 (containing *Declarations* 1-9 and *Opinions* 1-12) have now been published. Further Parts will be published shortly.

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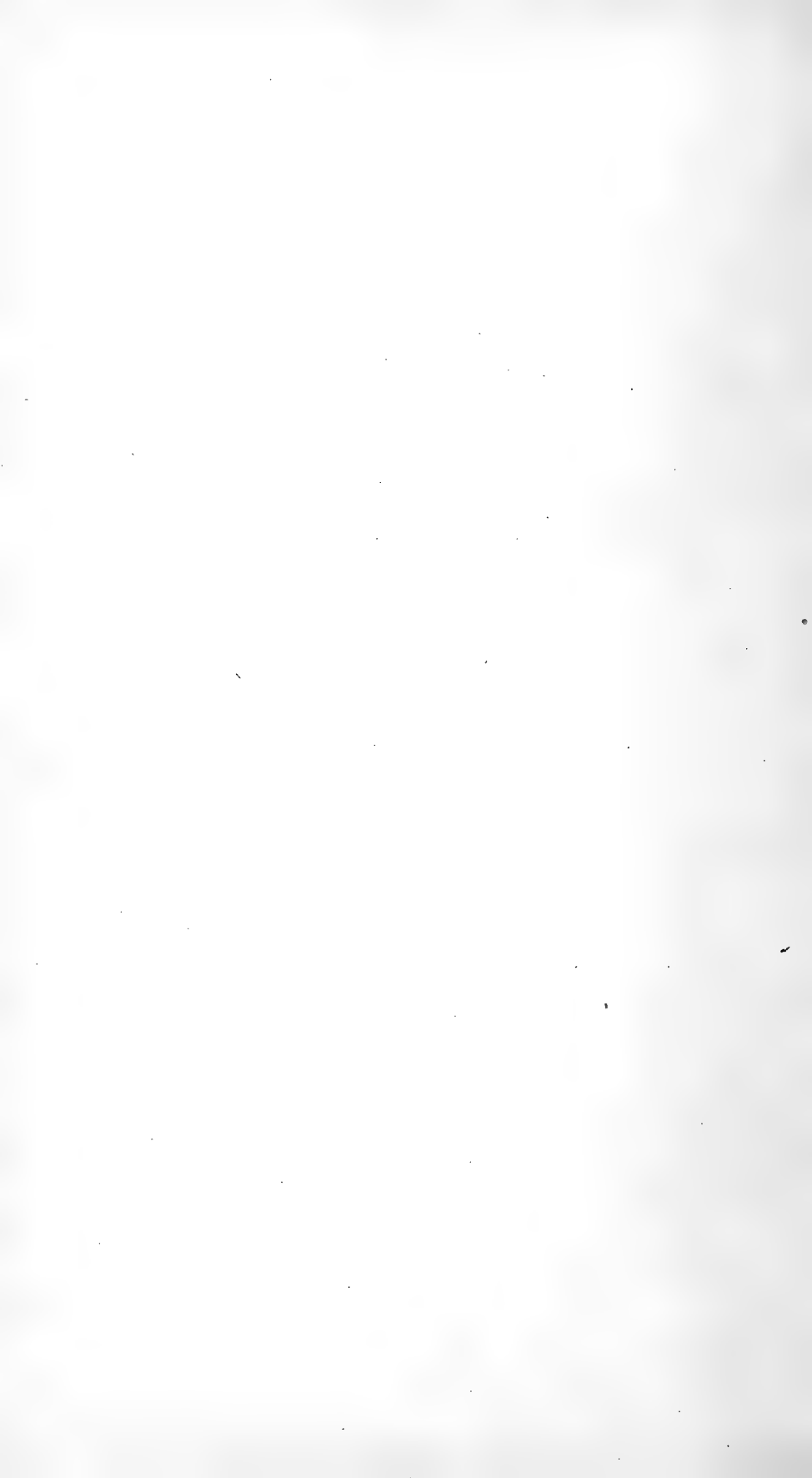
*Volume 3.* This volume, which commenced with *Opinion* 182, will contain the *Opinions* adopted by the International Commission since their meeting at Lisbon in 1935. Parts 1-11 (containing *Opinions* 182-192) have now been published. Further Parts will be published as soon as possible.

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**OPINIONS AND DECLARATIONS  
RENDERED BY THE INTER-  
NATIONAL COMMISSION ON  
ZOOLOGICAL NOMENCLATURE**

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

**Secretary to the Commission**

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**OPINION 13**

**The specific name of the Sand Crab**

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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION OF THE COMMISSION AT THE TIME OF THE ADOPTION OF *OPINION 13*

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*Executive Secretary* : Dr. Charles Wardell Stiles (U.S.A.).

*Recording Secretary* : Professor F. C. von Maehrenthal (Germany).

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Dr. Leonhard STEJNEGER (U.S.A.).





## OPINION 13.

### THE SPECIFIC NAME OF THE SAND CRAB.

**SUMMARY.**—Catesby's (1743) pre-Linnean<sup>1</sup> name *Cancer*<sup>1</sup> *arenarius* is not available under the Code, although "reprinted" in 1771;<sup>2</sup> *Cancer quadratus* Fabricius, 1787,<sup>3</sup> is stated to be preoccupied; *Ocypoda albicans* Bosc, [1801-1802]<sup>4</sup> being the next specific name in the list, becomes valid, under the premises submitted.

[**IMPORTANT NOTICE:** The premises on which the second sentence of the "summary" of this *Opinion* is based are incorrect and in consequence the conclusion indicated in the third sentence is also incorrect. See NOTES 5-8 below (pp. 216-232). It is proposed, therefore, to re-submit this case to the International Commission on Zoological Nomenclature as soon as possible.

(signed) Francis Hemming, Secretary to the Commission.]

### I.—THE STATEMENT OF THE CASE.

Miss Mary J. Rathbun has submitted the following case to the Commission for *Opinion*:—

SHALL THE SAND CRAB BE KNOWN UNDER THE SPECIFIC NAME  
*OCYPODA ALBICANS*<sup>4</sup>?

In Catesby's *Nat. Hist. Carolina*, vol. 2 pl. 35 (1743), we find the first

<sup>1</sup> See NOTE 2 below (p. 213). When this *Opinion* was published in 1910, the generic name used for this species by Catesby was inadvertently omitted.

<sup>2</sup> See NOTE 3 below (pp. 213-215).

<sup>3</sup> *Cancer quadratus* Fabricius, 1787, *Mantissa Ins.* 1: 315. (When this *Opinion* was published in 1910, the date here cited was 1793, the reference being to Fabricius, 1793, *Ent. syst.* 2: 439, but (as here shown) that was not the first occasion on which Fabricius applied this name to this species. On the same occasion the generic name of this species was inadvertently omitted.)

<sup>4</sup> *Ocypoda albicans* Bosc, [1801-1802], (Castel's Buffon) *Crust.* 1: 196. This volume is dated "An X," which ran from September 1801-September 1802 (see Griffin, 1939, *J. Soc. Bibl. nat. Hist.* 1: 249). As this date is

reference to the crab which was later described by Bosc, 1802,<sup>5</sup> as *Ocypoda albicans*.

Catesby mentions it under the descriptive title "*Cancer arenarius*. The Sand Crab. Le Cancre de Sable." In this work descriptive names are used which are mostly polynomial, but occasionally are binomial, as *Avis tropicorum* (Appendix p. 14) and *Monedula tota nigra* (Appendix p. 3). They are always Latin translations of his vernacular English and French names. In 1771, this work was reprinted *verbatim* with new type, the same descriptive names being used as in 1743. On the title page, however, appears the following: "Revised by Mr. Edwards, of the Royal College of Physicians, London. To the whole is now added a Linnaean Index of the Animals and Plants." In the Linnaean Index, Edwards applies to Catesby's "*Cancer arenarius*. The Sand Crab" the name "*Cancer vocans* L."<sup>6</sup>

A copy of the Crustacea from Edwards' list is given below. The list is headed as follows:—

A Catalogue of the Animals and Plants represented in Catesby's Natural History of Carolina: With the Linnaean Names. Vol. 2.

- |           |  |  |
|-----------|--|--|
| . . . . . |  |  |
| 32.       | The Land-Crab. <i>Cancer terrestris</i> ,<br><i>cuniculos sub terra agens</i> . Hist. Jam.<br>I. t. 2                | <i>Cancer ruricola</i> L.  |
| 33.       | The Hermit-Crab. <i>Cancellus terrestris</i> Bahamensis.<br>The same in a shell.                                     | <i>Cancer Diogenes</i> L.<br>Idem in <i>Buccino petholato</i> L. |
| 34.       | The Sea Hermit-Crab. <i>Cancellus maximus Bahamensis</i> .   | An <i>Cancr</i> i <i>Diogenis</i> L. varietas?                   |
| 35.       | The Sand-Crab. <i>Cancer arenarius</i> .   | <i>Cancer vocans</i> L.  |
| 36.       | The red-mottled Rock-Crab. <i>Pagurus maculatus</i> .<br>The rough shelled Crab. <i>Cancer chelis crassissimis</i> . | <i>Cancer grapsus</i> L.<br><i>Cancer granulatus</i> L.          |
| 37.       | The red clawed Crab. <i>Cancer marinus chelis rubris</i> .   | <i>Cancer erythropus</i> Forst.<br>N. Am. Anim. 33.              |

In an article by Professor Verrill (1908, *Trans. Conn. Acad. Arts Sci.* 13: 299-474), a page of which (: 306) is appended, he has fallen into error in his statement of the case. The footnote leads one to suppose that Edwards in his binomial list applied the name "*Cancer arenarius*" to the crab in question.

(Extract from page 306 of vol. 13 of the *Transactions of the Connecticut Academy of Arts and Sciences*)

. . . . .  
Family OCYPODIDAE Leach.  
. . . . .

*Ocypode arenarius* (G. Edw.) Say. *Ghost-Crab*; *Sprite*; *Beach Crab*.

*Cancer arenarius* Edwards in Catesby, Nat. Hist. Carolina II, pl. 35, 1771.

*Cancer quadratus* J. C. Fabricius, Entomologia Systematica, II, p. 439, 1793. ("Habitat in Jamaica Mus. Dom. Banks.")

obtained from a source other than the original publication it should be cited in square brackets: "[1801-1802]." (When this *Opinion* was published in 1910, the date for this name was given as 1802. On the same occasion, the generic name of this species was inadvertently omitted.)

<sup>5</sup> See footnote 4.

<sup>6</sup> *Cancer vocans* Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1: 626.

- Ocypode quadrata* J. C. Fabricius, Suppl. Entomol. System., p. 347, 1798.  
 S. I. Smith, Trans. Conn. Acad. Sci. IV, p. 257, 1880 (Synonymy and distr.)
- Ocypoda albicans* Bosc, Hist. nat. Crust. I, p. 196 (not the fig.) (Carolina coast).
- Ocypode arenarius* Say, Jour. Acad. Nat. Sci. Philadelphia I, p. 69, 1817.
- M.-Edwards, Hist. nat. Crust. II, p. 44, pl. 19, figs. 13, 14, 1837 (*Ocypoda arenaria*);  
 Coles, Proc. Acad. Nat. Sci. Philadelphia, 1871, pl. 122 (*arenaria*; North Carolina, habits).
- Smith, Amer. Jour. Sci. (3), VI, p. 67, 1873 (*Monolepis inermis* = megalops-stage);  
 Inverteb. Vineyard Sd., Report U.S. Fish Comm., I, p. 545 (251), 534 (240), 1874 (*Ocypoda arenaria*).
- Kingsley, Proc. Acad. Nat. Sci. Philadelphia, 1878, p. 322 (7), (*Ocypoda arenaria*);  
 op. cit., for 1879, p. 400; op. cit., 1880, p. 184.\* Rankin, Crust. Bermuda Is., p. 525, 1900.
- Ocypoda rhombea* M.-Edwards, Hist. nat. Crust., II, p. 46, 1837 ("Antilles et Brésil");  
 Ann. Sci. nat., III, xviii, p. 143 (107), 1852 (*Ocypode*).
- Dana, U.S. Expl. Exped., Crust., p. 322, pl. 19, fig. 8, 1852 (Brazil).
- Monolepis inermis* Say, Jour. Acad. Nat. Sci. Philadelphia, I, p. 157, 1817 (megalops-stage).
- Ocypode albicans* M. J. Rathbun, Results Branner-Agassiz Exp. Brazil, Proc. Wash. Acad. Sci., II, p. 134, 1900; Brachy. and Macr. Porto Rico, p. 6, 1901 (descr.);  
 Amer. Naturalist, XXXIV, p. 585, figs. 1, 2, 1900.

## II.—DISCUSSION OF THE CASE.

2. Under the premises, as submitted, Catesby's name *Cancer arenarius*, 1743, is excluded under Article 29, which provides that: "The date 1758, therefore, is accepted as the starting point of zoological nomenclature and of the Law of Priority."<sup>8</sup>

3. Professor Verrill (1908 : 306 footnote) raises the point that in the 1771 edition<sup>9</sup> of Catesby: "The name *Cancer arenarius* is given in the text and is also engraved on the plate."

4. The Secretary of the Commission has examined the work in question, and in his judgment the references in question are *reprints*, without any evidence that Edwards, the reviser, added his authority to this name. On the contrary, Edwards "added a Linnaean Index of the Animals and Plants." This index, which the Secretary has examined, does not support the interpretation drawn by Professor Verrill.

5. The new (1771) edition of Catesby<sup>9</sup> does not therefore give

\* Kingsley, op. cit., p. 184, used the specific name *arenaria*,<sup>7</sup> as from Catesby, 1731 and 1771, dating it from the later edition. That edition was edited by George Edwards, who gave binomial names to the species of Catesby. There is no valid reason for not adopting them when they have priority, as in this case. The name *Cancer arenarius* is given in the text and is also engraved on the plate.

<sup>7</sup> The expression "specific name" is here loosely used as the equivalent of the expression "trivial name," which would have been the correct expression to employ in this context. See NOTE 4 to *Opinion 1* (pp. 78-79 above).

<sup>8</sup> See NOTE 4 below (pp. 216-217), where it is explained that the portion of Article 26, here quoted, has since been modified slightly by the International Congress of Zoology.

<sup>9</sup> See NOTE 3 below (pp. 213-215).

this name availability; see *Opinion* 5.<sup>10</sup> "Status of certain pre-Linnaean names reprinted subsequent to 1757."<sup>11</sup>

6. Linnaeus (1758, *Syst. Nat.* (ed. 10) 1:626) cites "*Cancer arenarius*. Catesb. car. 2. t. 25" (apparently misprint for 35) as specifically identical with "Rumph. mus. 10. t. 14. f. E." under *Cancer vocans*, giving "Habitat in Indiis."

7. Under the premise that this citation forms an erroneous determination (see Article 31), we must look for the next mention of the animal. This, according to Professor Verrill (1908:306) is "*Cancer quadratus* Fabricius"<sup>12, 13</sup> which, according to Miss Rathbun, is preoccupied, hence is not available. *Ocyroda albicans* Bosc, [1801-1802],<sup>5, 13</sup> is the next name which, according to the premises submitted, comes into consideration, and no point against the availability of *Ocyroda albicans* Bosc<sup>13</sup> is raised either by Professor Verrill or by Miss Rathbun.

8. On basis of the foregoing premises, *Ocyroda albicans* Bosc,<sup>13</sup> would be the valid specific name for "The Sand Crab," as figured by Catesby, 1743, and 1771, pl. 35.

9. *Opinion* written by Stiles.

10. *Opinion* concurred in by twelve (12) Commissioners: Blanchard, Graff, Hoyle, Jentink, Jordan,<sup>14</sup> Joubin, Monticelli, Maehrenthal, Schulze, Stejneger, Stiles, Wright.

11. Not voting, three (3) Commissioners: Dautzenberg, Osborn, Studer.

### Editorial Notes by Francis Hemming, Secretary to the International Commission on Zoological Nomenclature.

#### NOTE I.

##### *Historical particulars.*

This *Opinion* was published in July 1910 (*Smithsonian Institution* 1938:22-24), when the Smithsonian Institution first undertook to publish the *Opinions* rendered by the International Commission on Zoological Nomenclature.

<sup>10</sup> See pp. 115-126 of the present volume.

<sup>11</sup> When this *Opinion* was published in 1910, the date at this point was inadvertently given as "1758" instead of as "1757."

<sup>12</sup> See footnote 3.

<sup>13</sup> When this *Opinion* was published in 1910, the generic name of this species was inadvertently omitted.

<sup>14</sup> The Commissioner here referred to is the late Commissioner David Starr Jordan not Commissioner Karl Jordan, the present President of the Commission, who at the time of the adoption of *Opinion* 13 was not a member of the Commission.

2. This *Opinion* is undated but it cannot have been adopted earlier than on some date in 1908 (the earliest date on which the earlier *Opinion* 6 can have been adopted<sup>15</sup>) or later than on some date in the first half of 1910, since (as shown above) it was published in July of that year.

3. For the reasons explained in paragraph 4 of NOTE 1 to *Opinion* 6,<sup>16</sup> no manuscript or other unpublished documents relating to this *Opinion* are preserved in the archives of the International Commission on Zoological Nomenclature.

## NOTE 2.

*On the use of the expression "pre-Linnean" in Opinion 13.*

In the "summary" of the present *Opinion* reference is made to the name *Cancer arenarius* published by Catesby (M.) in his *Natural History of Carolina, Florida and the Bahama Islands*; that name is there stated to have been published in 1743 and is called "pre-Linnean."

2. In applying the expression "pre-Linnean" to this name, the International Commission on Zoological Nomenclature used the same terminology as that which they had employed in *Opinion* 5. In the "summary" of *Opinion* 5, the Commission made it clear that they were there using the expression "pre-Linnean" as though it were the exact equivalent of the expression "pre-1758," since the meaning which it was intended to convey was that the name in question was published before the publication in 1758 of the 10th edition of Linnaeus's *Systema Naturae*. See NOTE 3 to *Opinion* 5.<sup>17</sup>

## NOTE 3.

*On the relation of Opinion 89 to Opinion 13 as respects the edition of Catesby (M.), Natural History of Carolina, published by Edwards (G.) in 1771.*

The status of names originally published in or before 1757 and republished in or after 1758 is discussed in *Opinion* 5,<sup>18</sup> where it is pointed out that, in order "to become eligible under the Code, such names must be reinforced by adoption or acceptance by the author publishing" the reprint or other later work containing the names in question.

2. In considering the status of the name *Cancer arenarius* as

<sup>15</sup> See paragraph 2 of NOTE 1 to *Opinion* 6 (p. 132 above).

<sup>16</sup> See page 132 above.

<sup>17</sup> See page 118 above.

<sup>18</sup> See pp. 115-126 above.

used in the edition of Catesby's *Natural History of Carolina*, etc., published by George Edwards in 1771, the International Commission on Zoological Nomenclature accordingly applied (in *Opinion 13*) the criteria laid down in *Opinion 5*. As the result of this consideration, the Commission reached the conclusion (paragraph 5) that the names in the Edwards edition of Catesby did not comply with the conditions laid down in *Opinion 5* and in consequence were not available under the Code.

3. It should be noted that the question of the status of names published in 1771 by Edwards in his edition of Catesby's *Natural History of Carolina* was again brought before the International Commission in 1922,<sup>19</sup> when Commissioner David Starr Jordan included it in a list of zoological works, which he suggested should be suppressed by the Commission under their plenary powers, on the ground that the strict application of the rules in their case would clearly result in greater confusion than uniformity. This proposal was adopted by the Commission as regards the Edwards edition of Catesby, except for the concordance of the names used by Catesby with those applicable to the species concerned according to the Linnean system given by Edwards in volume 2 under the title: "A Catalogue of the Animals and Plants represented in Catesby's *Natural History of Carolina*: With the Linnaean Names." This decision was embodied in *Opinion 89* published on 16th December 1925.<sup>20</sup>

4. The concordance of names referred to above is the document from which an extract relating to the Class Crustacea was quoted by Miss Rathbun in her petition to the Commission in regard to the case dealt with in *Opinion 13*.<sup>21</sup>

5. So far as concerns the Edwards edition of Catesby, the effect of *Opinion 89* is:—

- (i) to suppress nomenclatorially all new names included in the Edwards edition, in so far as such names were used by Catesby in the original (pre-1758) edition of his *Natural History of Carolina*; and
- (ii) to leave unaffected the status of names formed in accordance with the Linnean system and used by Edwards in the concordance given by him in volume 2 of his edition of Catesby.

<sup>19</sup> The original of Commissioner D. S. Jordan's application is dated 7th July 1922. It is included among the papers relating to *Opinion 89* in Volume 3 of bound correspondence relating to *Opinions* preserved in the archives of the International Commission.

<sup>20</sup> See 1925, *Smithson. misc. Coll.* 73 (No. 3) : 27-33.

<sup>21</sup> See paragraph 1 of *Opinion 13* (pp. 209-211 above).

6. Reference to the extract from Edwards' concordance quoted by Miss Rathbun<sup>21</sup> shows that the name formed in accordance with the Linnean system which Edwards applied to the "Sand Crab" was *Cancer vocans* Linnaeus, 1758. In the opposite column, he cited the name *Cancer arenarius* but he did this merely to show that this was the name applied to that species by Catesby. Accordingly, the name *Cancer arenarius* of Catesby, as reprinted by Edwards in 1771, is suppressed for nomenclatorial purposes by *Opinion* 89.

7. To sum up: The Commission in *Opinion* 13 declared that new names published by Edwards in 1771 in his edition of Catesby's *Natural History of Carolina* were ineligible for consideration under the Code because those names did not satisfy the requirements of Article 25 as defined by *Opinion* 5; later in *Opinion* 89, the Commission went further and under their plenary powers suppressed for nomenclatorial purposes the whole of the Edwards edition of Catesby, with the exception of the names formed in accordance with the Linnean system added by Edwards in the concordance. In view of *Opinion* 13, *Opinion* 89 was unnecessary so far as concerns the Edwards edition of Catesby, and, if the petition on which the last-named *Opinion* was based had been solely concerned with the Edwards edition, the Commission would no doubt have thought it sufficient, in *Opinion* 89, to refer the petitioner to *Opinion* 13. In fact, however, the Edwards edition of Catesby was only one of a number of works which the Commission were then asked to suppress under their plenary powers and they accordingly took the line that their simplest course was to accept the proposal submitted to them in regard to this work, since in effect it did no more than reaffirm the decision which they had already taken in *Opinion* 13.

#### NOTE 4.

*On the amendment of Article 26 of the International Code adopted by the Eleventh International Congress of Zoology at Padua in 1930.*

In paragraph 2 of *Opinion* 13, the Commission quoted the second sentence of (the English translation of) Article 26 of the *Règles Internationales* as follows:—

The date of 1758, therefore, is accepted as the starting point of zoological nomenclature and of the Law of Priority.

2. At the time when *Opinion* 13 was adopted (i.e. in the period

1908-1910<sup>22</sup>), the extract quoted above was perfectly correct. It should be noted, however, that at their meeting held at Padua in 1930 the Eleventh International Congress of Zoology approved a slight modification of the second sentence of Article 26 of the *Règles*. That sentence, as so amended, reads as follows:—

For practical purposes the date 1st January 1758 is accepted in these rules as the starting point of zoological nomenclature and of the Law of Priority.<sup>23</sup>

3. The change made in Article 26 at Padua does no more than state in rather more precise terms the meaning intended to be conveyed by the previous wording of that Article, but attention is here drawn to the amended wording, in order to obviate the risk that a person reading paragraph 2 of *Opinion* 13 might fall into the error of supposing that the extract from Article 26 there quoted represents correctly the text of that Article at the present time.

4. The drafting amendment of Article 26 discussed above in no way detracts from the force of, or otherwise affects, the argument based on that Article by the International Commission on Zoological Nomenclature in paragraphs 2 and 3 of their *Opinion* 13.

#### NOTE 5.

*On the limited and, in part, conditional, character of the decision given by the International Commission on Zoological Nomenclature in Opinion 13.*

*Opinion* 13 is only the second of the *Opinions* in which the International Commission on Zoological Nomenclature gave a decision in regard to the status of a particular name. This *Opinion* differs from *Opinion* 12, the only previous *Opinion* dealing with a particular name, by reason of the fact that, unlike the question discussed in *Opinion* 12 (where only one issue was involved and only one of two answers could have been given), the problem dealt with in *Opinion* 13 is a complex of independent questions. Accordingly, with the limited resources then at their disposal, the International Commission decided to deal expressly in *Opinion* 13 only with the one problem which had been specifically submitted to them for decision, namely: "Is the name *Cancer arenarius* Catesby, 1771, *Natural History of Carolina*

<sup>22</sup> See paragraph 2 of NOTE 1 (page 212 above).

<sup>23</sup> For a more detailed discussion of the original and amended texts of Article 26, see NOTE 3 to *Opinion* 3 (pp. 98-100 above).



(Edwards' edition), a nomenclatorially available name?" After giving a definite answer to this question, the Commission did, however, add certain observations regarding the correct scientific name of the Sand Crab. These observations, the Commission expressly stated, were not based upon a first-hand examination of the facts of the case but were merely conclusions drawn from the premises submitted by the petitioner in this case. These observations by the Commission represent, therefore, no more than hypothetical conclusions, the validity of which rests entirely upon the accuracy of the premises which were submitted by the petitioner but which were not verified by the Commission. The conclusions embodied in this part of *Opinion 13* are, therefore, purely conditional in character.

2. It must be noted, therefore, that in *Opinion 13* the International Commission on Zoological Nomenclature did no more, as regards the name of the Sand Crab, than :—

- (i) decide that the name *Cancer arenarius* as published in 1771 in Edwards' edition of Catesby's *Natural History of Carolina* is not a nomenclatorially available name;
- (ii) take note that, according to the premises submitted by the petitioner, the next name for the Sand Crab was *Cancer quadratus* Fabricius, 1793;<sup>24</sup>
- (iii) take note that, according to the premises submitted by the petitioner, the name *Cancer quadratus* Fabricius, 1793,<sup>24</sup> was not available nomenclatorially, owing to the fact that the name *Cancer quadratus* had previously been published by some other author as the specific name of some other species;
- (iv) take note that, according to the premises submitted by the petitioner, the next published scientific name for the Sand Crab after *Cancer quadratus* Fabricius, 1793,<sup>24</sup> was *Ocypoda albicans* Bosc, 1802;<sup>25</sup>
- (v) draw the conclusion that, if the premises submitted by the petitioner as set out in (ii), (iii) and (iv) above were correct, the oldest available scientific name for the Sand Crab would be *Ocypoda albicans* Bosc, 1802.<sup>25</sup>

<sup>24</sup> As pointed out in footnote 3 above, the name *Cancer quadratus* was first published by Fabricius in 1787 (in vol. 1 of the *Mantissa Ins.*) and not in 1793 (the date assigned to this name in the petition in *Opinion 13*).

<sup>25</sup> See footnote 4 above, where it is shown that the correct date for the name *Ocypoda albicans* Bosc is [1801–1802] and not 1802 (the date assigned to this name in *Opinion 13*).

## NOTE 6.

*On the earliest use of the binominal combination Cancer arenarius as the specific name of a species belonging to the Class Crustacea.*

The object of the petition dealt with in *Opinion 13* was to obtain from the International Commission on Zoological Nomenclature a ruling on the correct specific name of the Sand Crab. The problem in regard to the question on which the petitioner was in doubt (and on which a specific ruling was therefore asked for) was whether the name *Cancer arenarius* applied to this species by Mark Catesby in his *Natural History of Carolina* in 1743 (*i.e.* prior to the starting-point of zoological nomenclature and the coming into operation of the Law of Priority) acquired any rights under the Law of Priority when republished by George Edwards in 1771 in his edition of Catesby's work.

2. This method of approach to the problem led to an important decision by the International Commission in regard to the status of names originally published by Catesby in 1743, when those names were republished by Edwards in 1771.

3. As a contribution to the problem of the correct name of the Sand Crab, the problem so submitted to, and answered by, the International Commission in *Opinion 13* is wholly irrelevant, since even if the names originally published by Catesby in 1743 had acquired rights under the Law of Priority on being republished by Edwards in 1771, the name *Cancer arenarius* Edwards in Catesby, 1771, would nevertheless have been invalid, since it would have been a homonym of the prior name *Cancer arenarius* Toreen, 1765, in Osbeck (P.), *Reise Ost-Ind. China* : 479.

4. Reference to Osbeck's *Reise* shows that the matter printed on pp. 431-514 was not written by Osbeck but consists of an appendix containing the text of letters written by Olof Toreen to Linnaeus. The full title of this Appendix is : " Eine ostindische Reise nach Suratte, China, etc. von 1750 den 1 April 1752 den 26 Jun. verrichtet von Olof Toreen Schiffsprediger der ostindischen Compagnie. In Briefen an den Herrn Archiater von Linné." Toreen, as these letters show, was a strictly binominal author. This is as might be expected in view of the fact that his letters were actually addressed to Linnaeus.

5. The following is the passage on page 479 in which Toreen introduced the name *Cancer arenarius* :—

In dem Meere giebt es, ausser mancherley Fischen, auch verschiedene Krabbenarten. Wenn eine derselben, welche ihre Augen auf langen

Stiften trug und besondere Füsse hatte (*Cancer arenarius*), indem sie Ihnen von dem Herrn Commerzienrathe Lagerström übersendet worden, Schaden genommen hätte, würde ich es bedauern. In ihren Leben funkelten ihre Augen trotz einem Katzenauge.

6. The heading of the page on which the above passage is printed is "Queda, 1751." On a previous page the locality so indicated is given more fully as "Queda in der Strasse von Malacca."

7. The locality cited by Toreen as the place where he obtained the specimens of the species to which he applied the name *Cancer arenarius* is important as proving conclusively (quite apart from the evidence supplied by the brief description) that the species *Cancer arenarius* Toreen is not the Sand Crab, since that species "is restricted in its range to the Atlantic shores of the American Continent (from Rhode Island to Santa Catharina, Brazil)" (Dr. I. Gordon, Assistant Keeper, Department of Zoology, British Museum (Natural History) *in litt.*, dated 15th March 1945).

8. The question whether the descriptive matter given by Toreen in respect of the species *Cancer arenarius* Toreen is sufficient to permit of the identification of that species is a systematic and not a nomenclatorial problem. From the nomenclatorial point of view, it is a matter of complete indifference whether the species *Cancer arenarius* Toreen can be identified or not. In the latter case the name *Cancer arenarius* Toreen, 1765, becomes a *nomen dubium*, but in either case the name *Cancer arenarius* Toreen possesses rights under the Law of Priority as from 1765, the date on which it was published. Accordingly, any binominal combination consisting of the words "*Cancer arenarius*" published after 1765 as the name of any other species is automatically invalid, by reason of being a homonym under Article 35 of the *Règles Internationales*.

#### NOTE 7.

*On the nomenclatorial status of scientific names first appearing in print in Meuschen (F. C.), 1778, Museum Gronovianum.*

One of the assumptions made in the statement of the case on which *Opinion 13* was based<sup>26</sup> was the assumption that *Cancer quadratus* Fabricius, 1793, was invalid because it was pre-occupied, *i.e.* because it was invalid as a homonym under Article 35 of the *Règles Internationales*. The petitioner did not specify the name

<sup>26</sup> See paragraph 2(iii) of NOTE 5 above (p. 217).

of the author by whom, it was alleged, the binominal combination "*Cancer quadratus*" had been published as a new specific name for some species of the Class Crustacea prior to its being published in 1793 as the specific name for the Sand Crab. Leaving aside the fact that both the "statement of the case" and *Opinion* 13 itself were in error in attributing the name *Cancer quadratus* to Fabricius as from 1793, since that name was in fact first published by Fabricius as the name of the Sand Crab in 1787,<sup>27</sup> the position, as disclosed by Sherborn, 1902, *Index Anim.* Pars Prima: 805 (published eight years before *Opinion* 13), is that the binominal combination *Cancer quadrata* appeared in print on one occasion prior to 1787 (the date on which Fabricius first published the name *Cancer quadratus* as the specific name of the Sand Crab). The author by whom the name *Cancer quadrata* was so used was Friedrich Christian Meuschen, by whom it was introduced in 1778 on page 84 of a booklet usually known by the abbreviated title "*Museum Gronovianum.*"

2. Meuschen's *Museum Gronovianum* is an extremely scarce work, the only copy of which that is known to me being that in the library of the British Museum (Bloomsbury). Through the courtesy of the Trustees of the Museum, it is possible to give on plates 1 and 2 of the present edition of *Opinion* 13 facsimiles of pages 84 and 94 of this rare booklet. Page 84 is the page on which the name *Cancer quadrata* appears and the two pages taken together illustrate very well the character of Meuschen's *Museum Gronovianum* and the system of nomenclature used in it.

3. The full title of Meuschen's *Museum Gronovianum* is as follows:—

MUSEUM GRONOVIANUM. // SIVE // INDEX // RERUM NATURALIUM // TAM // MAMMALIUM AMPHIBIORVM PISCIVM INSEC-// TORUM CONCHYLIIORVM ZOOPHYTORVM // PLANTARVM ET MINERALIVM // EXQUISITISSIMORVM // QUAM // ARTE FACTARVM NONNVLLARVM. // INTER QVAE EMINET // HERBARIVS SICCVS PLANTARVM // A TOVRNEFORTIO CLAITONIO LINNAEO // ALIISQVE BOTANICIS COLLECTARVM. // QVAE OMNIA MVLTACVRA ET MAGNIS // SVMPTIBUS SIBI COMPARAVIT // VIR AMPLISSIMVS & CELEBERRIMVS // LAVR. THEOD. GRONOVIVS // J. V. D. // CIVITATIS LUGDUNO BATAVAE SENATOR ET // SCABINVS SOCIETATIS REGIAE LONDINENSIS // BASILAEENSIS ET HOLLANDIAE QVAE // HARLEMI EST ALIORVMQVE // SOCIVS &c. &c. // Quae publice subhasta dictrahentur in aedibus // Defuncti // Ad diem Mercurii 7. Octobris & seqq. 1778. // Diebus 1. & 2. Octobris Museum patebit. // LUGDVNI BATAVORVM // Apud TH. HAAK &

<sup>27</sup> For the reference to the work in which in 1787 Fabricius first bestowed the name *Cancer quadratus* upon the Sand Crab and to the work in which in 1793 he again included the Sand Crab under that name, see footnote 3.

SOCIOS, nec non // J. MEERBVRG, Bibliopolas. 1778. // Vbi Catalogi distribuuntur pro 6. Stuferis.

4. Meuschen's *Museum Gronovianum* is a small quarto volume, the collation of which is as follows :—

I–VI, I–231–[232]–I unnumbered page (recto advertisements, verso blank).

5. As the title shows, Meuschen's *Museum Gronovianum* is a Catalogue of the zoological, botanical and mineral collections formed by Laurentius Theodorus Gronovius prepared for sale by auction (*subhasta*) in October 1778, the year following Gronovius's death.

6. In Meuschen's Catalogue the Gronovius collection is arranged in 2861 lots. These lots are arranged in a rough systematic order, the first lots consisting of specimens of the Class Mammalia ("Quadrupedia"). At the end of the description of each lot, the number of specimens comprised in the lot is indicated. This is done by means of such expressions as "2 stuks" (as in lots 786 and 787<sup>28</sup>), "Een doublet" (as in lot 867<sup>29</sup>) and "Twee doubletten" (as in lots 874 and 877<sup>29</sup>).

7. In some cases the first word in the description of the lot is the generic name (in small capitals) (for example, the name "CANCER" in lots 786 to 791<sup>28</sup>) of the one or more species included in that lot. In other cases, the first word in the description of the lot is the specific trivial name (not necessarily binominal in form) of the species (one or more in number) included in the lot. In the latter class of case the name of the genus to which the species concerned were attributed is ascertainable only from the generic names—cited in the nominative plural—placed as a cross-heading above the description of the first lot comprising species attributed to that genus. For example, lots 868 to 874<sup>29</sup> comprise species attributed to the genus *Solen*, as is indicated by the word "SOLENES" (in capitals) which appears as a cross-heading above the description of lot 868,<sup>29</sup> the first of the lots concerned.

8. Certain of the lots contained specimens of only one species, as [*Solen*] *Siliqua* (lot 869<sup>29</sup>) and [*Solen*] *Anatinus* (lot 873). In other cases, specimens of the same species were included in two successive lots. For example, both lot 870 and lot 871 contained only specimens of the species referred to under the (non-binominal) name [*Solen*] *Radiatus violaceus*.<sup>29</sup>

9. In a considerable number of cases specimens of several

<sup>28</sup> See plate 1.

<sup>29</sup> See plate 2.

distinct species were included in a single lot. For example, in the portion of the Catalogue containing specimens of the Order Lepidoptera (Class Insecta) lot 699 contained specimens of four common and very distinct species of the Family PIERIDAE, namely:—*Papilio rapae* Linnaeus, 1758 (*Pieris rapae* (Linnaeus, 1758)), (ii) *Papilio crataegi* Linnaeus, 1758 (*Aporia crataegi* (Linnaeus, 1758)), (iii) *Papilio brassicae* Linnaeus, 1758 (*Pieris brassicae* (Linnaeus, 1758)), and (iv) *Papilio napi* Linnaeus, 1758 (*Pieris napi* (Linnaeus, 1758)). The method adopted by Meuschen in lot 699 for enumerating the specimens of these four species in the Gronovius collection was as follows:—

699 *Rapae, Crataegi, Brassicae, Napi*; Geëdert groot Witje, gepuncteert Witje, groot Witje, geëdert klein Witje. Gr. Z. II. n. 746-749. 75I, L. sp. 72, 75, 76, 77. E. 6 stuks.

10. The lot in which the specific trivial name "*quadrata*" was applied to a species of the genus "*Cancer*" is lot 789, which is described on page 84 of Meuschen's *Museum Gronovianum*.<sup>30</sup> The first name cited is "*CANCER granulatus*" and this is followed by three other names, separated from one another by commas. These names are (i) "*Arenaria*," (ii) "*minutus? Quadrata*," (iii) "*Variolata*." Next come four vernacular names, referring (presumably) to the four species for which Latin names had just been given. These are followed by short Latin diagnoses for the species already referred to as "*Arenaria*" and "*Quadrata*" respectively. Each of these diagnoses is preceded by a number (in the first case "960" and in the second "963"), which refer to the non-binominal work published by Gronovius under the title *Zoophylacium Gronovianum*, a work which has been suppressed for all nomenclatorial purposes by the International Commission on Zoological Nomenclature acting under their plenary powers (*Opinion* 89, published in 1925). The entry for lot 789 concludes with further references to the *Zoophylacium Gronovianum* and an indication of the number of specimens to be sold as "6 stuks."

11. The examples cited in the preceding paragraphs show that Meuschen's *Museum Gronovianum* displays a complete lack of consistency in the presentation of the names of the species enumerated in that Catalogue. In some cases the trivial names of species are preceded by a generic name in the nominative singular; in others no generic name is cited for the species concerned, the only indication of the name of the group or genus to which the species are referred being given by occasional cross-headings

<sup>30</sup> See plate 1.

consisting either of a single word in the nominative plural (as *Quadrupedia*, *Solenes*, etc.) or of two words also in the nominative plural (as "*Cancri Monoculi*" on page 83). Again, some lots are confined to a single species, while others include two or more specific trivial names, no indication being given to show whether Meuschen regarded each name cited as being the name of one of the species comprised in the lot (as he certainly did in the case of lot 699<sup>31</sup>) or whether he considered some of these names as synonyms of other names previously enumerated in the description of the contents of the lot concerned.

12. The system of nomenclature followed by Meuschen in the *Museum Gronovianum* is naturally the system of nomenclature employed by Gronovius, since Meuschen's booklet is no more than a sale Catalogue of the Gronovius collection. It is probable indeed that the names, diagnoses, and references given by Meuschen in his Catalogue represent no more than the transcription of the labels written by Gronovius himself for the explanation and display of his collection. Accordingly, as was to be expected, the system of nomenclature employed by Meuschen in his *Museum Gronovianum* is identical with that employed fifteen years earlier by Gronovius in his *Zoophylacium Gronovianum*, that is to say: Meuschen, like Gronovius, recognised the concept of the genus (for example, *Cancer*, *Papilio*, etc.) and grouped in each genus those species which he regarded as falling within the generic definition. Within each genus Meuschen (like Gronovius) cited species sometimes under a single specific trivial name (in most cases specific trivial names given by Linnaeus in the *Syst. Nat.*), sometimes under polyverbal specific trivial names of the type habitually used in zoological works prior to the introduction of the binominal system of nomenclature by Linnaeus in 1758.

13. In the period 1907-10 the International Commission on Zoological Nomenclature gave express consideration to the status of new names published by Gronovius in 1763 in his *Zoophylacium Gronovianum*. In the *Opinion (Opinion 20)*, in which the Commission delivered their conclusions in this matter, they stated that new generic names published by Gronovius in the *Zoophylacium Gronovianum* were available under the International Code, because the following two conditions were satisfied in that work:—  
(i) Gronovius applied the principles of binary nomenclature<sup>32</sup>

<sup>31</sup> See paragraph 9 above.

<sup>32</sup> There are two possible interpretations of the expression "nomenclature binaire" (binary nomenclature) as used in proviso (b) to Article 25 of the *Règles Internationales*. This expression may have the meaning

as required by proviso (b) to Article 25, because in the *Zoophylacium Gronovianum* Gronovius named "two units or things, genera and species"; (ii) Gronovius used a uninominal (*i.e.* univocal) system of nomenclature for genera as required by Article 2 of the International Code. Nothing was said in *Opinion* 20 regarding the status of new specific trivial names published by Gronovius in the *Zoophylacium Gronovianum*, but the criteria applied by the Commission in that *Opinion* in determining the question whether the generic names first published in that work are available under the *Règles Internationales* must apply also to the question whether new specific trivial names first published on that occasion are so available. In the case of generic names, the Commission guided themselves by Article 25 (as regards the nature of the system of nomenclature employed) and Article 2 (as regards the application by Gronovius of that system to a particular class of name, *i.e.* to generic names). Accordingly, these two criteria apply also to the new specific trivial names published by Gronovius in the *Zoophylacium Gronovianum*. Gronovius's specific

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attached to it by the International Commission on Zoological Nomenclature in *Opinion* 20 (quoted in paragraph 13 above) or it may have a narrower meaning and be no more than a synonym of the expression "nomenclature binominale" (binominal nomenclature). In view of a discussion which occurred at the meeting of the Section on Nomenclature of the Eleventh International Congress of Zoology held at Padua in 1930, the question of the meaning correctly to be applied to the expression "nomenclature binaire" was considered by the Permanent Committee of the International Zoological Congresses at Lisbon in 1935 during the sittings of the Twelfth International Congress of Zoology. On the recommendation of the Permanent Committee and with the concurrence of the International Commission on Zoological Nomenclature, it was then agreed by the Twelfth International Congress of Zoology in Concilium Plenum that the whole question should form the subject of a special investigation by the International Commission, by whom a report on the whole matter should be submitted at the next (Thirteenth) International Congress of Zoology. The question of the meaning of the expression "nomenclature binaire" as used in the *Règles Internationales* is, therefore, at present *sub judice*. This fact does not, however, affect in any way the question of the status of new specific trivial names first appearing in Meuschen's *Museum Gronovianum*, since quite clearly those names possess no rights under the Law of Priority if the expression "nomenclature binaire" is the exact equivalent of the expression "nomenclature binominale." The only question to be considered in this connection is, therefore, whether the new specific trivial names used by Meuschen in the *Museum Gronovianum* are formed in accordance with the principles of "nomenclature binaire," if that expression is interpreted in the wider sense embodied in the Commission's *Opinion* 20. This is the question discussed in paragraph 13 above, where it is shown that even on this broader interpretation of the expression "nomenclature binaire" the new specific trivial names used in the *Museum Gronovianum* fail to satisfy the requirements of proviso (b) to Article 25 of the *Règles Internationales*.



trivial names clearly satisfy proviso (b) to Article 25 to precisely the same extent as do his generic names. When, however, his specific trivial names are examined in relation to Article 2, it is found that some are binominal combinations as required by that Article, while others are of the polyverbal type prevalent prior to 1758. Both types of name were regarded by Gronovius as equally proper. While, therefore, Gronovius applied the principles of binary nomenclature as defined by *Opinion 20*, he did not follow for species a binominal system of nomenclature as required by Article 2. Accordingly, new specific trivial names published by Gronovius in the *Zoophylacium Gronovianum*, unlike new generic names published in that work, are not available under the *Règles Internationales* and have, therefore, no status under the Law of Priority as from the date of being so published. Since, as already pointed out, the system of nomenclature employed by Meuschen in 1778 in the *Museum Gronovianum* is identical with that employed by Gronovius himself in 1763 in his *Zoophylacium Gronovianum*, no new specific trivial name used by Meuschen in the first-named work has any status under the Law of Priority as from the date (1778), on which it was so used.

14. Quite apart from the question whether in the *Museum Gronovianum* Meuschen applied the principles of binary nomenclature, it is necessary to consider whether that work was ever published ("divulgué dans une publication" <sup>33</sup>) within the meaning of Article 25 of the *Règles Internationales*. The exact meaning to be attached to the expression "divulgué dans une publication" as used in Article 25 has never been clearly defined, although the question has been under consideration by the International Commission on Zoological Nomenclature for some years and clearly should be taken up again by the Commission after the end of the war. In the meanwhile, it must be noted that a start was made in the clarification of this problem in *Opinion 15* of the Commission, published in 1910. In that *Opinion* the Commission laid it down that "Publication, in the sense of the Code, consists in the public issue of printed matter." This decision was re-affirmed in *Opinion 51* (published in 1912), when the Commission added the explanation that "the qualifying word 'public' in this definition [*i.e.* in the definition given in *Opinion*

<sup>33</sup> The only substantive text of the *Règles Internationales* (the International Code) is the French text, the English, German and Italian texts being no more than translations of the substantive (French) text. The expression here quoted is the expression used in the substantive text of Article 25.

15] indicates that the printed matter in question is not intended for special persons only or for a limited time, but that it is given to the world, or used in the nature of a permanent scientific record."

15. On the basis of the foregoing definition of the meaning to be applied to the expression "divulgué dans une publication," the International Commission decided (in *Opinion 51*) that the sale catalogue of the collection of shells made by de Calonne, usually known as the *Museum Calonnianum*, was not published within the meaning of Article 25 of the *Règles Internationales* and therefore that new names included in it possessed no rights under the Law of Priority. Meuschen's *Museum Gronovianum* resembles the *Museum Calonnianum* in all relevant respects: it is a sale catalogue of the collection of the deceased collector; the nomenclature used in it is based upon the nomenclature used by the deceased collector; it was intended for special persons only (*i.e.* prospective purchasers of portions of the collection); it was intended for use only during a limited time (*i.e.* during the period immediately preceding the sale of the collection and during the actual period of the sale); it was not "given to the world as a permanent scientific record." In view, therefore, of *Opinion 51*, it is clear that Meuschen's *Museum Gronovianum* (like the *Museum Calonnianum*) was not "divulgué dans une publication" in the sense in which that expression is used in Article 25 of the *Règles Internationales*. It follows that no new name (whether a generic name or a specific trivial name), which first appeared in the *Museum Gronovianum*, possesses any rights under the Law of Priority as from the date (1778) of such appearance.

16. The position as regards Meuschen's *Museum Gronovianum* may be summarised as follows:—

- (1) Whichever may ultimately be found to be the correct meaning of the expression "nomenclature binaire" <sup>33</sup> as used in proviso (b) to Article 25 of the *Règles Internationales*, <sup>34</sup> no specific trivial name which first appeared in Meuschen's *Museum Gronovianum* possesses any rights under the Law of Priority as from the date (1778) of such appearance, since even under the wider of the two possible interpretations of the above expression (*i.e.* the interpretation embodied in *Opinion 20*), those names do not satisfy the requirements of Articles 2 and 25 of the *Règles Internationales*, when read together as required by *Opinion 20*.

<sup>34</sup> See footnote 32.

- (2) Even if the specific trivial names used by Meuschen in the *Museum Gronovianum* had throughout been formed in the strictest binominal form, they would nevertheless have possessed no rights under the Law of Priority, since Meuschen's *Museum Gronovianum* was not published ("divulgué dans une publication") in the manner required by Article 25 of the *Règles Internationales*.

## NOTE 8.

*On certain errors in the conclusions embodied in Opinion 13, consequent upon the conditional acceptance for the purposes thereof of the premises submitted by the petitioner now found to be erroneous and incomplete.*

As has been shown in NOTE 5 above,<sup>35</sup> the conclusion that the name *Ocyroda albicans* Bosc, [1801-1802], is the oldest available name for the Sand Crab, which was conditionally accepted in the latter part of the "summary" of (*i.e.* the decision in) *Opinion 13* was based upon:—

- (1) the decision then taken by the International Commission that the name *Cancer arenarius*<sup>36</sup> as published in 1771 by Edwards in his edition of Catesby's *Natural History of Carolina* is not a nomenclatorially available name;
- (2) the unverified assumption that each of the following propositions contained in the petitioner's "statement of the case" was correct and in accordance with the facts in all respects:—
- (a) that the next name bestowed upon the Sand Crab after the publication in 1771 of the name *Cancer arenarius* by Edwards in Catesby was *Cancer quadratus* Fabricius, 1793;<sup>37</sup>
- (b) that the name *Cancer quadratus* Fabricius, 1793, was not available for the Sand Crab, because that binominal combination had previously been published

<sup>35</sup> See pp. 216-217 above.

<sup>36</sup> The component of the specific name *Cancer arenarius* consisting of the generic name *Cancer* was omitted from the summary when *Opinion 13* was first published. See footnote 1.

<sup>37</sup> The component of the specific name *Cancer quadratus* consisting of the generic name *Cancer* was omitted from the summary when *Opinion 13* was first published. The correct date of this name is 1787. See footnote 3.

by some other (unspecified) author for some other species;

- (c) that, if both the name *Cancer arenarius* Edwards, 1771, and the name *Cancer quadratus* Fabricius, 1793, were unavailable nomenclatorially, the first available name bestowed upon the Sand Crab was *Ocypoda albicans* Bosc, 1802.<sup>38</sup>

2. The preliminary decision referred to in paragraph 1(1) above is important, since it provides an authoritative guide to the nomenclatorial status of names first published in 1771 in Edwards' edition of Catesby's *Natural History of Carolina*, but this decision is irrelevant to the problem of the name of the Sand Crab, since, even if the names first published by Edwards in Catesby, 1771, were available nomenclatorially, the name *Cancer arenarius* Edwards, 1771 (the only one of those names which is involved in the problem of the name of the Sand Crab) would nevertheless be unavailable for the Sand Crab, for (as shown in NOTE 6 above<sup>39</sup>) the name *Cancer arenarius* Edwards, 1771, would have been a homonym of the name *Cancer arenarius* Toreen, 1765, previously given to an entirely different species.

3. Proposition (a) (enumerated in paragraph 1(2) above) is correct, except that it was in 1787 in volume 1 of the *Mantissa Insectorum* and not in 1793 in the *Entomologia systematica* that Fabricius first published the name *Cancer quadratus* as the specific name for the Sand Crab.

4. Proposition (b) (enumerated in paragraph 1(2) above) is incorrect, since (as shown in NOTE 7 above<sup>40</sup>) *Cancer quadrata* Meuschen, 1778, the only known name consisting of this binominal combination which is of older date than *Cancer quadratus* Fabricius, 1787, is a name which possesses no rights under the Law of Priority and cannot, therefore, pre-occupy (and invalidate) the name *Cancer quadratus* Fabricius, 1787, as the name of the Sand Crab. The name given by Fabricius to the Sand Crab is, therefore, the oldest available for that species.

5. Proposition (c) (enumerated in paragraph 1(2) above) remains true, but, in view of the fact that, contrary to the statement in

<sup>38</sup> The component of the specific name *Ocypoda albicans* consisting of the generic name *Ocypoda* was omitted from the summary when *Opinion 13* was first published. The correct date of this name is [1801-1802]. See footnote 4.

<sup>39</sup> See pp. 218-219 above.

<sup>40</sup> See pp. 219-227 above.

proposition (b), the name *Cancer quadratus* Fabricius, 1787, is the oldest available name for the Sand Crab, proposition (c) is now seen to be completely irrelevant to the consideration of the name of that species.

6. In the light of the evidence summarised above, the position as regards the conclusions embodied in *Opinion 13* is seen to be as follows :—

- (1) The first sentence in the "summary" ("Catesby's (1743) pre-Linnean name *Cancer*<sup>41</sup> *arenarius* is not available under the Code, although 'reprinted' in 1771;") contains an important ruling by the International Commission on the nomenclatorial status of the edition of Catesby, 1743, *Natural History of Carolina*, published by Edwards in 1771. This decision has no bearing, however, upon the question of the correct scientific name of the Sand Crab, since even if the Edwards edition of Catesby was a nomenclatorially available work, the name *Cancer arenarius* Edwards, 1771, would not be available as the name of the Sand Crab, since it would be a homonym of the older name *Cancer arenarius* Toreen, 1765 (see paragraph 2).
- (2) The second sentence in the "summary" ("*Cancer*<sup>42</sup> *quadratus* Fabricius, 1793,<sup>43</sup> is stated to be pre-occupied;") is based upon a statement in the premises submitted by the petitioner, which is now seen to be incorrect (see paragraphs 3 & 4).
- (3) The third sentence in the "summary" ("*Ocyropa*<sup>44</sup> *albicans* Bosc, 1802,<sup>45</sup> being the next specific name in the list becomes valid, under the premises submitted.") remains true as a deduction from the premises submitted by the petitioner, but, in view of the fact that (as shown in (2) above) those premises were fallacious, the statement in the third sentence of the "summary" is now seen to be completely misleading as a guide to the nomenclature of the Sand Crab. The name *Ocyropa albicans* Bosc, [1801-1802], is not the oldest available name for the Sand Crab; it is

<sup>41</sup> See footnote 1.

<sup>42</sup> See footnote 3.

<sup>43</sup> The date of this name is 1787 not 1793, the date cited in the "summary" of *Opinion 13* when originally published. See footnote 3.

<sup>44</sup> See footnote 4.

<sup>45</sup> This name was published in "An X" and should therefore be dated 1801-1802 and cited in square brackets. The date was incorrectly given as 1802 in the "summary" of *Opinion 13* when originally published.

only a synonym of the available name *Cancer quadratus* Fabricius, 1787 (see paragraphs 4 & 5).

7. In view of the fact that the statements in the second and third sentences of the "summary" of *Opinion 13* are completely misleading, being based upon incorrect premises submitted by the petitioner, it is clearly impossible for the International Commission to leave matters where they now stand. The question dealt with in *Opinion 13* is, therefore, at once being submitted to the International Commission for further consideration.

8. The decision by the Commission in *Opinion 13* regarding the nomenclatorial status of the edition of Catesby's *Natural History of Carolina* has been shown (paragraphs 2 and 6(1) above) to be completely irrelevant to the problem of the name of the Sand Crab. It can, therefore, logically find no place in a revised *Opinion* regarding the name of the Sand Crab. It represents, however, a decision by the International Commission on an important question of principle and clearly should be retained on permanent record in some suitable form. In this connection, it should be recalled that at their Session held at Lisbon in 1935 the International Commission on Zoological Nomenclature unanimously agreed that, "when the Commission reached a decision of interest to the general body of zoologists, it was of the greatest importance that that decision should be presented in such a way as to ensure that it was most readily available to all concerned" (Lisbon Session, 4th Meeting, Conclusion 15).<sup>46</sup> It is accordingly proposed that in the action now to be taken by the International Commission the problem of the status of the Edwards edition of Catesby's *Natural History of Carolina* and the problem of the name of the Sand Crab should be dealt with in different *Opinions*. In order to deal with the question of the name of the Sand Crab, it will be necessary for the International Commission formally to deal with the status of Meuschen's *Museum Gronovianum* of 1778 discussed in NOTE 7 above. As this, like the status of Catesby's names when republished by Edwards in 1771, raises a question of general interest and is not concerned only with the name of the Sand Crab, it is proposed that in accordance with the decision taken by the Commission at Lisbon as to the procedure to be followed in such cases a separate *Opinion* should be rendered by the Commission in regard to the status of Meuschen's *Museum Gronovianum* of 1778.

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<sup>46</sup> See 1943, *Bull. zool. Nomencl.* 1: 40.

9. The action now proposed is, therefore, that the International Commission should :—

- (1) cancel *Opinion* 13;
- (2) render an *Opinion* confirming as follows the question of principle dealt with in the first sentence of *Opinion* 13;

“ The names published by Mark Catesby in 1743 in his *Natural History of Carolina* possess no status under the Law of Priority as from that date, since it is prior to 1758, the starting point of zoological nomenclature and the Law of Priority (Article 26 of the *Règles Internationales*); nor do those names acquire any rights under the Law of Priority as from 1771, the date on which they were republished by George Edwards in his edition of Catesby's *Natural History of Carolina*, since Catesby's names were not then ‘ re-inforced by adoption or acceptance ’ by Edwards and in consequence do not qualify for availability under the provisions of *Opinion* 5.”<sup>47</sup>

- (3) render an *Opinion* as follows on the nomenclatorial status of Meuschen, 1778, *Museum Gronovianum* :—

“ The *Museum Gronovianum* by Friedrich Christian Meuschen issued in 1778 is a sale catalogue of the zoological, botanical and mineral collections formed by Laurentius Theodorus Gronovius, who had died in 1777. It was drawn up for special persons only (*i.e.* prospective purchasers) and was intended for use for only a limited time (*i.e.* during the period immediately preceding and during the sale); it was not given to the world or used in the nature of a permanent scientific record. None of the tests laid down in *Opinion* 51 as the criteria for determining whether a zoological work has been published (‘ divulgué dans une publication ’) within the meaning of Article 25 of the *Règles Internationales* is, therefore, satisfied by Meuschen's *Museum Gronovianum*. Accordingly, no name which first appeared in 1778 in Meuschen's *Museum Gronovianum* possesses any rights under the Law of Priority as from the date of such appearance.”

- (4) render an *Opinion* as follows in regard to the name of the Sand Crab :—

“ The name *Cancer arenarius* Edwards, 1771, in Catesby, *Natural History of Carolina*, is not available for the Sand Crab as from that date, (i) because, as has been decided in *Opinion* —,<sup>48</sup> Catesby's pre-1758 names acquired no rights under the Law of Priority on being re-published by Edwards in 1771, and (ii) because, even if Catesby's names had been available as from 1771, the name *Cancer arenarius* Edwards, 1771, would have been a homonym of the name *Cancer arenarius* Toren, 1765. The oldest available name

<sup>47</sup> See pp. 115–126 above.

<sup>48</sup> The *Opinion* here referred to is the projected *Opinion*, which it is suggested in paragraph 9(2) should be issued for the purpose of re-stating and confirming the decision embodied in the first sentence of the “ summary ” of *Opinion* 13.

for the Sand Crab is *Cancer quadratus* Fabricius, 1787, of which name *Ocyroda albicans* Bosc, [1801-1802], is a synonym."

FRANCIS HEMMING

*Secretary to the International Commission  
on Zoological Nomenclature*

Secretariat of the Commission,  
at the British Museum (Natural History),  
Cromwell Road, LONDON, S.W.7.

29th April, 1945



- Gr. Z. II. n. 958, L. g. 271. sp. 1, n. 953. 954, L. g. 270. sp. 23. I. en E. 5 stuks.
- 786 **CANCER** *Maenas*, *Pelagicus*; Eur. Strandkrab, Steekelkrab. Gr. Z. II. n. 955. 956, L. sp. 22? 19. E. 2 stuks.
- 787 **CANCER** *Pelagicus*, *Pagurus*; Strand-krab, Zee-krab. Gr. Z. II. n. 956. 967, L. sp. 19. 27. E. 2 stuks.
- 788 **CANCER** *Articulatus*, *Porcellina*, *Orbicularis*; Ruggeleede Krab, geneepe Krab, gewelvd Krab; (957. *Orbicularis*: *iborace laevi latiusculo sabconvexo, marginibus anticis utrinque ferratis: pedibus natatorio-cursoriis. (Articulatus: iborace lateribus spinosis, cbelis supra muricatis, spinis sex apice nigris. Gr. Z. II. n. 958. 957, L. sp. 23? &c. 5 stuks.*
- 789 **CANCER** *granulatus*, *Arenaria*, *minutus?* *Quadrata*, *Variolata*; Korrelige Krab, Zandkorrelige Krab, Vierkande Krab, Pokkige Krab. (960. *Arenaria: iborace latiusculo convexo laevi, undique emarginato, postice contractiore pedes non contegente: manibus cristatis. (963. Quadrata: iborace quadrato, integerrimo, margine acutiusculo: manibus aequalibus minimis; pedibus compressis cursoriis. Gr. Z. II. n. 959. 960. 962. 963, L. sp. 26? 8? &c. I. 6 stuks.*
- 790 **CANCER** *Rbombus*, *Vocans*, *Grapsus*; Vierhoekige Krab, Zand-Krab, Stompneus-Krab. (964. *Rbombus: iborace lato quadrato laevi integerrimo: manibus inaequalibus, minimis: pedibus cursoriis compressis. Gr. Z. II. n. 964. 966, L. sp. 14. 53. &c. I. en E. 7 stuks.*
- 791 **CANCER** *Longicornus*, *rufescens*, *spinosa*, *maculata*, *Corona Imperialis*; Langspriet-Krab, roodagtig Krabbetje, Hairig Krabbetje, roodgevlakte Krab, Keyzerskroon Krab. (970. *Spinosa: bisfutis, iborace brevi, lato, mutico: manu altera majore, iborace angustiore, pedibus cursoriis longiore. (972. Corona Imperialis: iborace latiusculo rugoso, antice utrinque obsolete tribulo: manibus pedibusque aequalibus rugosis supra carinato-compressis. Seba III. Tab.*

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## Testacea.

- 865 *Anatinus*, Eenden-Mossel; *Pictorum*, Verfhouder. Gr. Z. III. n. 1090. 1094, L. sp. 28. 258. Drie doubletten.
- 866 *Anatinus*, Eenden-Mossel, *speciei varietas* n. 864. Twee doubletten; vry groot.
- 867 *Vulsella*, Baardknyper. Gr. Z. III. n. 1095, L. sp. 31. Een doublet.

## S O L E N E S.

- 868 *Vagina rubra*, Indische roode Goot. Gr. Z. III. n. 1096, L. sp. 33. Een doublet.
- 869 *Siliqua*, Messehecht; *Ensis?* Suiker-Peultje. Gr. Z. III. n. 1097. 1098, L. sp. 34. 35. Twee doubletten.
- 870 *Radiatus violaceus*, Blaauwe Zonnestraal. Gr. Z. III. n. 1099, L. sp. 38. Een doublet, vry groot.
- 871 *Radiatus violaceus*, Blaauwe Zonnestraal. Gr. & L. ut supra. Twee doubletten, iets kleinder.
- 872 *Strigilatus roseo fuscus*, roodachtige Bruine Zonnestraal. Gr. Z. III. n. 1100, L. sp. 39. Een doublet, vry groot en schoon.
- 873 *Anatinus*, altoos liggende Lantern. Gr. Z. III. n. 1101, L. sp. 40. Een doublet.
- 874 *Vespertina*, Daalende Zonnestraal; *Strigilatus*, Gaapende Zonnestraal. Gr. Z. III. n. 1100. &c., L. sp. 39, List. T. 417. fig. 261, d'Argenville T. 22. fig. 1. Twee doubletten.

## T E L L I N A E.

- 875 *Lingua Felis*, Katte-Tong. Gr. Z. III. n. 1002, L. sp. 45. Een doublet.
- 876 *Scobinata*, Robbe-Tong, of Sagryne Tyger-Tong. L. sp. 64. Een doublet.
- 877 *Virgata*, Roode Zonnestraal, gevoorend; *Glabra*, gladde Tong. Gr. Z. III. n. 1103 1104, L. sp. 46. &c. Twee doubletten.
- 878 *Fragilis*, Kraakende; *Fucata*, Geblankette; *Glabra*, Gladde Tong. Gr. Z. III. n. 1105. 1106. 1104, L. sp.

## THE PUBLICATIONS OF THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE.

(obtainable at the Publications Office of the International Trust for Zoological Nomenclature at 41, Queen's Gate, London, S.W.7.)

### Opinions and Declarations rendered by the International Commission on Zoological Nomenclature.

The above work is being published in three volumes concurrently, namely :—

*Volume 1.* This volume will contain *Declarations* 1-9 (which have never previously been published) and *Opinions* 1-133 (the original issue of which is now out of print). In order that the volume, when bound, may be of a convenient size for handling, it has been decided to divide volume 1 into a series of Sections, which will be continuously paged but will each be supplied with a title page and index. It is at present contemplated that the first of these Sections (Section A) will comprise *Declarations* 1-9 and *Opinions* 1-16. Part 17 containing the index and title page for Section A will be published as soon as possible. The publication of Parts of Section B will be started immediately thereafter.

Parts 1-25 (comprising *Declarations* 1-9 and *Opinions* 1-16) have now been published. Further Parts are in the press and will be published as soon as possible.

*Volume 2.* This volume will contain *Declarations* 10-12 and *Opinions* 134-181 and will thus be a complete record of all the decisions taken by the International Commission on Zoological Nomenclature at their meeting held at Lisbon in 1935. This volume will be published in two Sections, which will be continuously paged but will each be supplied with a title page and index.

Section A, comprising *Declarations* 10-12 and *Opinions* 134-160 (published in Parts 1-30 and 30 A), is now complete, price £4 4s. *od.* Individual Parts of this Section are also obtainable separately at the prices at which they were originally published.

Section B will comprise *Opinions* 161-181 (to be published as Parts 31-52). Parts 31-51 (containing *Opinions* 161-181) have now been published and it is hoped that Part 52 containing the index and title page will be published at an early date.

*Volume 3.* This volume, which commenced with *Opinion 182*, will contain the first instalment of the *Opinions* adopted by the International Commission since their Lisbon meeting. Parts 1-13 (containing *Opinions 182-194*) have now been published. Further Parts will be published as soon as possible.

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**OPINIONS AND DECLARATIONS  
RENDERED BY THE INTER-  
NATIONAL COMMISSION ON  
ZOOLOGICAL NOMENCLATURE**

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

**Secretary to the Commission**

**VOLUME 1. Part 23. Pp. 235-244.**

**OPINION 14**

The type species of *Etheostoma* Rafinesque,  
1819 (Class Pisces, Order Percomorphi)

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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION OF THE COMMISSION AT THE TIME OF THE ADOPTION OF *OPINION 14*

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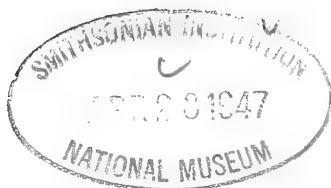
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## OPINION 14.

### THE TYPE SPECIES OF *ETHEOSTOMA* RAFINESQUE, 1819 (CLASS PISCES, ORDER PERCOMORPHI).

SUMMARY.—The designation of *Etheostoma blennioides* Rafinesque, 1819,<sup>1</sup> as type of *Etheostoma* Rafinesque, 1819,<sup>1</sup> by Agassiz, 1854,<sup>2</sup> is not invalidated by the fact that Agassiz used as basis for his generic diagnosis characters taken from an erroneous specific determination of 1839.<sup>3</sup> Not only does Agassiz distinctly state that "*Eth. blennioides* Raf." is type of "*Etheostoma* Raf.," but even if the question of the erroneous identification of *E. blennioides* by Kirtland be taken into consideration, the conclusion must be drawn that this erroneous identification did not exclude the original specimens of *E. blennioides* from being covered by this specific name; on the contrary, the name as used by Kirtland, 1839, still involved the type specimens; removing now the erroneously determined specimens of 1839, which by Article 30(e)(a) are excluded from consideration in designating the genotype, the original type specimens of 1819 remain and, upon the premises submitted,<sup>4</sup> represent the type of the genus.

#### I.—THE STATEMENT OF THE CASE.

President David Starr Jordan<sup>5</sup> has submitted the following case to the Commission for *Opinion* :—

*ETHEOSTOMA* RAFINESQUE, 1819 VERSUS *CATONOTUS* AGASSIZ, 1854,<sup>6</sup> AND  
*DIPLESION* RAFINESQUE, 1820<sup>7</sup>

In 1819 (*J. Physique* 88 : 419) Rafinesque described the new genus *Etheostoma*, basing it on three species, not congeneric, *Etheostoma caprodes*,<sup>8</sup> *Etheostoma blennioides*, and *Etheostoma flabellaris*.<sup>9</sup> Afterwards (omitting

<sup>1</sup> Rafinesque, 1819, *J. Physique* 88 : 419.

<sup>2</sup> Agassiz, 1854, *Amer. J. Sci.* (2) 17 : 305.

<sup>3</sup> The reference is to Kirtland, [1840–1841], *Boston J. nat. Hist.* 3 : 348, pl. 6, fig. 1. The date "1839" quoted in the "summary" of, and elsewhere in, *Opinion* 14 is erroneous. It may represent the date on which Kirtland's paper was originally presented to the Boston Society of Natural History.

<sup>4</sup> For an explanation of the use of the phrase "upon the premises submitted," see NOTE 3 to *Opinion* 12 (pp. 201–202 above).

<sup>5</sup> At this time Dr. Jordan was President of Stanford University, California, and a member of the International Commission (Class 1916).

<sup>6</sup> *Catonotus* Agassiz, 1854, *Amer. J. Sci.* (2) 17 : 305.

<sup>7</sup> *Diplesion* Rafinesque, 1820 April, *Western Review* 2 (3) : 169; *id.*, 1820 December, *Ichth. ohioensis* : 37.

<sup>8</sup> Rafinesque, 1819, *J. Physique* 88 : 419.

<sup>9</sup> When this passage was printed in *Opinion* 14 in 1910, this name was inadvertently given as "*flabellare*" (*i.e.* the nominative neuter of the same adjective).

details not essential to the present question) Kirtland ([1840-41], *Boston J. nat. Hist.* **3** : 348, pl. 6, fig. 1) figured a fish (*Alvordius aspro* Cope and Jordan<sup>10</sup>) not congeneric with any of these, identifying it as *Etheostoma blennioides* Rafinesque.

In revising the genus *Etheostoma* Rafinesque, Agassiz (1854, *Amer. J. Sci.* (2) **17** : 305) made "*E. blennioides* Raf." the type of *Etheostoma* Rafinesque, drawing his diagnosis of the restricted genus from the species figured by Kirtland, which he supposed to be the original *E. blennioides* of Rafinesque. Meanwhile, he described *Etheostoma blennioides* Rafinesque under the new name *Hyostoma newmani*.<sup>11</sup>

In 1877<sup>12</sup> Cope and Jordan called attention to the fact that *Etheostoma* Rafinesque, as restricted<sup>13</sup> by Agassiz, did not contain any of Rafinesque's species, unless we accept<sup>14</sup> the reference to "*Etheostoma blennioides* Rafinesque" as type of the genus. Because of the greater pertinence of the original definition and for other minor reasons, Cope and Jordan chose *Etheostoma flabellaris*<sup>15</sup> as the type of *Etheostoma* Rafinesque, thus replacing Agassiz's name *Catonotus*, 1854. In this arrangement they have been followed by all subsequent authors. The question is, does Agassiz's restriction<sup>16</sup> of the genus to *Etheostoma blennioides* Rafinesque hold in view of the fact that he had in mind not Rafinesque's but Kirtland's "*blennioides*," and drew up his diagnosis from the latter, making a new genus for the original *Etheostoma blennioides* Rafinesque. If Rafinesque's *Etheostoma blennioides* is the type of *Etheostoma* Rafinesque, the name will stand in place of *Diplesion* Rafinesque, 1820, and *Hyostoma* Agassiz, 1854, generic names later applied to the true *Etheostoma blennioides* of Rafinesque. If Agassiz's revision is invalidated by his mistake in identification, the type of *Etheostoma* Rafinesque should be *Etheostoma flabellaris*,<sup>15</sup> the type of *Catonotus* Agassiz, 1854.

The case of *Diplesion* Rafinesque, 1820, noted above does not seem to affect the question of nomenclature. In the *Ichthyologia Ohiensis* of 1820(: 37), Rafinesque divides *Etheostoma* Rafinesque into two subgenera, *Aplesion* Rafinesque<sup>17</sup> and *Diplesion* Rafinesque. The first includes *Etheostoma calliura* Rafinesque, a new species, and *Etheostoma flabellaris*,<sup>15</sup> the second *Etheostoma blennioides* Rafinesque and *Etheostoma caprodes* Rafinesque. *Diplesion* Rafinesque has been restricted (Girard, 1859; Jordan, 1878) to *Etheostoma blennioides* Rafinesque, and *Aplesion* Rafinesque was restricted (Jordan, 1878) to *Etheostoma calliura* Rafinesque, which

<sup>10</sup> When *Opinion 14* was published in 1910, this reference was erroneously given as "Journ. Boston Soc. Nat. Hist. 1839, p. 340". From the correct reference, which has here been substituted, it will be seen that in the original edition of this *Opinion*, the date of publication, the title of the journal and the page number of the reference were all cited incorrectly. For the correct name of the species figured by Kirtland, see Jordan (D. S.), 1877, *Proc. Acad. nat. Sci. Philad.* **1877** : 51. The paper in question was written by Jordan, but in it the name *Alvordius aspro* was attributed to "Cope and Jordan." When this *Opinion* was published in 1910, the name *Alvordius* was inadvertently omitted.

<sup>11</sup> *Hyostoma newmani* Agassiz, 1854, *Amer. J. Sci.* (2) **17** : 305.

<sup>12</sup> See Jordan, 1877, *Bull. U.S. nat. Mus.* **9** : 23. See also footnote 9.

<sup>13</sup> In this context the word "restricted" has the same meaning as the word "used."

<sup>14</sup> Through some inadvertence this word appeared as "except" when this *Opinion* was published in 1910.

<sup>15</sup> See Jordan, 1877, *Proc. Acad. Sci. Philad.* **1877** : 51. See also footnote 9.

<sup>16</sup> See footnote 13.

<sup>17</sup> *Aplesion* Rafinesque, 1820 February, *Western Review* **2** (1) : 56; *id.*, 1820 December, *Ichth. ohiensis* : 36.



is the young of the black bass *Micropterus* Lacépède, 1802,<sup>18</sup> a genus already named *Calliurus*<sup>19</sup> by Rafinesque.

As Rafinesque in 1820 indicated no type for *Etheostoma* Rafinesque, this division of the group into *Aplesion* Rafinesque and *Diplesion* Rafinesque does not seem to affect the case, which hinges on Agassiz's use of the name *Etheostoma* Rafinesque.

*Etheostoma caprødes* Rafinesque, the first species named by Rafinesque, became type of *Percina* Haldeman, 1842, and *Pileoma* De Kay, 1842. It has never been chosen as type of *Etheostoma* Rafinesque.

## II.—DISCUSSION OF THE CASE.

2. From the data submitted, the Commission finds that two different species have been designated as type of the genus *Etheostoma* Rafinesque, 1819, as follows:—

- (1) In 1854, Agassiz designated *E. blennioides* Rafinesque as genotype, but according to the premises submitted he took his generic characters from an erroneous determination of *E. blennioides* Rafinesque by Kirtland, 1839.<sup>3, 10</sup> The passage in question (Agassiz, 1854 : 304-305) reads as follows:—

1. *Etheostoma* Rafin.—Head elongated, pointed; mouth terminal, widely open, not protractile, broad; jaws of equal length. Opercular apparatus and cheeks bare. First dorsal distinctly separated from the second. Anal and second dorsal smaller than the first dorsal, but equal to one another. Caudal lunate. Type of the genus, *Eth. blennioides* Raf.

- (2) In 1877, Cope and Jordan designated *E. flabellaris*<sup>9</sup> as type of *Etheostoma* Rafinesque.

3. It appears from the quotation from Agassiz that he was dealing with an old genus, *Etheostoma*, 1819, established by another author (Rafinesque), and not with a new genus established by himself.<sup>20</sup> It is further clear that he definitely states "Type of the genus: *Eth. blennioides* Raf." He has therefore complied with the condition of designating one of the original species as the genotype.

4. The fact that Agassiz was misled, as alleged, in accepting in his subjective generic diagnosis certain characters which belonged to specimens erroneously determined as "*E. blennioides* Raf." by Kirtland, 1839,<sup>3, 10</sup> does not alter the objective fact that he

<sup>18</sup> *Micropterus* Lacépède, [1801-1802] (in Buffon), *Hist. nat. Poissons* 4 : 324. The title page of this volume is dated "An X" [Sept. 1801-Sept. 1802].

<sup>19</sup> *Calliurus* Rafinesque, 1818, *Amer. mon. Mag.* 4 : 107; *id.*, 1819, *J. Physique* 88 : 420.

<sup>20</sup> See NOTE 2 below (p. 242).

definitely designated "*Eth. blennioides* Raf." as genotype. It is not stated by Agassiz (in the passage quoted) that he designated "*E. blennioides* Raf." of Kirtland. Kirtland's erroneous use of the specific name *E. blennioides* Rafinesque did not exclude the original type specimens of 1819 from this name; on the contrary, Kirtland's use of this name in 1839<sup>3, 10</sup> must have included not only his own specimens but the original types as well. Any other assumption would involve the self-evident contradiction that Kirtland had in 1839 excluded the original type specimens of 1819 from *E. blennioides* Rafinesque, and, at the same time, had identified his own specimens as specifically identical with the excluded types. Accordingly, even on the premise that Agassiz based his subjective conception of *Etheostoma* Rafinesque, 1819, upon "*E. blennioides* Raf." of Kirtland, 1839,<sup>3, 10</sup> it must be concluded that he based his genus on "*E. blennioides* Rafinesque," 1819, plus the misdetermined specimens of 1839.<sup>3, 10</sup> Since, now, the misdetermined specimens of 1839<sup>3, 10</sup> are excluded by Article 30(e) (α) from consideration as type, as they are not specifically identical with any of the three original species, the original specimens of 1819 remain as type.

5. The fact submitted, that Agassiz redescribed *E. blennioides* Rafinesque, 1819, under a new name, *Hyostoma newmani*, does not alter the case; at most, it shows that Agassiz unconsciously refers in two different places to the species *E. blennioides* Rafinesque.

6. *Opinion* written by Stiles.

7. *Opinion* concurred in by nine (9) Commissioners: Blanchard, Graff, Jentink, Jordan (reservation),<sup>21</sup> Joubin, Monticelli, Stejneger (reservation),<sup>22</sup> Stiles, Wright.

8. *Opinion* dissented from by four (4) Commissioners: Dautzenberg, Hoyle,<sup>22</sup> Maehrenthal, Schulze.

9. Not voting, two (2) Commissioners: Osborn, Studer.

### III.—SUPPLEMENTARY NOTES BY INDIVIDUAL COMMISSIONERS.

10. Reservation by Stejneger (concurred in by Jordan):

I agree with Dr. Stiles in his conclusion that Agassiz in providing one of Rafinesque's genera with a type is restricted, as respects his selection, to the species as defined by Rafinesque, and that Agassiz's diagnosis of the genus based on a different species has no effect, but I cannot subscribe to

<sup>21</sup> The Commissioner here referred to is the late Commissioner David Starr Jordan not Commissioner Karl Jordan, the present President of the Commission, who at the time of the adoption of *Opinion* 14 was not a member of the Commission. See also paragraph 10 below.

<sup>22</sup> See paragraph 11 below.

that part of the argument which begins as follows <sup>23</sup>: "It is not stated by Agassiz (in the passage quoted) that he designated '*E. blennioides* Raf.' of Kirtland."

It is entirely hypothetical and does not involve the question as to the status of the case as it is submitted.

One may easily agree with the conclusions regarding the actual case and at the same time disagree with the conclusions regarding the hypothetical case.<sup>24</sup>

## II. Dr. Hoyle says:—

It does not seem to me that Agassiz did fix *E. blennioides* Rafinesque as the type of *Etheostoma* Rafinesque; he says he did and he thought he did, but he did not. What he took for the type of *Etheostoma* Rafinesque was something quite different. It seems to me, therefore, that it was quite open to Cope and Jordan to select "*flabellare*"<sup>25</sup> as the type of *Etheostoma* Rafinesque and that their action must be upheld.

I should infer from the evidence above that Agassiz had never seen specimens of *E. blennioides* Rafinesque, perhaps not even the original diagnosis and what he had in mind was Kirtland's *E. blennioides* not that of Rafinesque.

## Editorial Notes by Francis Hemming, Secretary to the International Commission on Zoological Nomenclature.

### NOTE I.

#### *Historical particulars.*

This *Opinion* was published in July 1910 (*Smithsonian Publication* 1938 : 25-27), when the Smithsonian Institution first undertook to publish the *Opinions* rendered by the International Commission on Zoological Nomenclature.

2. This *Opinion* is undated but it cannot have been adopted earlier than on some date in 1908 (the earliest date on which the earlier *Opinion* 6 can have been adopted)<sup>26</sup> or later than on some date in the first half of 1910, since (as shown above) it was published in July of that year.

3. For the reasons explained in paragraph 4 of NOTE I to *Opinion* 6,<sup>27</sup> no manuscript or other unpublished documents relating to this *Opinion* are preserved in the archives of the International Commission on Zoological Nomenclature.

<sup>23</sup> The passage here referred to begins with the second sentence in paragraph 4 of *Opinion* 14.

<sup>24</sup> When this *Opinion* was first published, there was at this point a reference to a footnote, which read as follows:—"The point Stejneger raises is booked for discussion at the Graz meeting." The meeting here referred to is the meeting of the Commission then due to be held at Graz in 1910 during the Eighth International Congress of Zoology.

<sup>25</sup> The current name of the species here referred to is *Etheostoma flabellaris* Rafinesque, 1819. See footnote 9.

<sup>26</sup> See paragraph 2 of NOTE I to *Opinion* 6 (p. 132 above).

<sup>27</sup> See page 132 above.

## NOTE 2.

*On the difference between the subject dealt with in Opinion 14 and that dealt with in Opinions 65 and 168.*

This *Opinion* (as pointed out in paragraph 3 thereof) deals solely with the question whether the action of a subsequent author in designating a type for a genus under rule (g) in Article 30 of the Code is, or is not, invalidated if it can be shown that the subsequent author in question erroneously identified a species which he has before him as being originally included species, the name of which he cites when selecting the type. The answer given by the Commission to this question in *Opinion 14* is that the subjective conception of the cited species held by the subsequent author who designates it as the type is wholly irrelevant and that where any subsequent author cites by name one of the originally included species as the type of the genus, that species becomes the type under Article 30(g) of the International Code, irrespective of any views which may have been held regarding the identity of that species by the author, by whom it was selected from among the other originally included species to be the type of the genus.

2. It will be seen, therefore, that *Opinion 14* deals with a subject allied to, but quite distinct from, that dealt with in *Opinion 65* (and elaborated in *Opinion 168*). As explained above, *Opinion 14* is concerned with a misidentification by a subsequent author of a species placed in a previously published genus in which no species was designated or indicated as the type by the author of the genus; *Opinions 65* and *168*, on the other hand, are concerned with the case, where it is the original author of the genus who misidentifies either the previously published species which he designates or indicates as the type or misidentifies one of the previously published species which he places in his genus, where some later author designates (under Article 30(g) of the Code) that species as the type of the genus.

FRANCIS HEMMING

*Secretary to the International Commission  
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Secretariat of the Commission,  
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Cromwell Road, LONDON, S.W.7.

5th July, 1945

## THE PUBLICATIONS OF THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE.

(obtainable at the Publications Office of the International Trust for Zoological Nomenclature at 41, Queen's Gate, London, S.W.7.)

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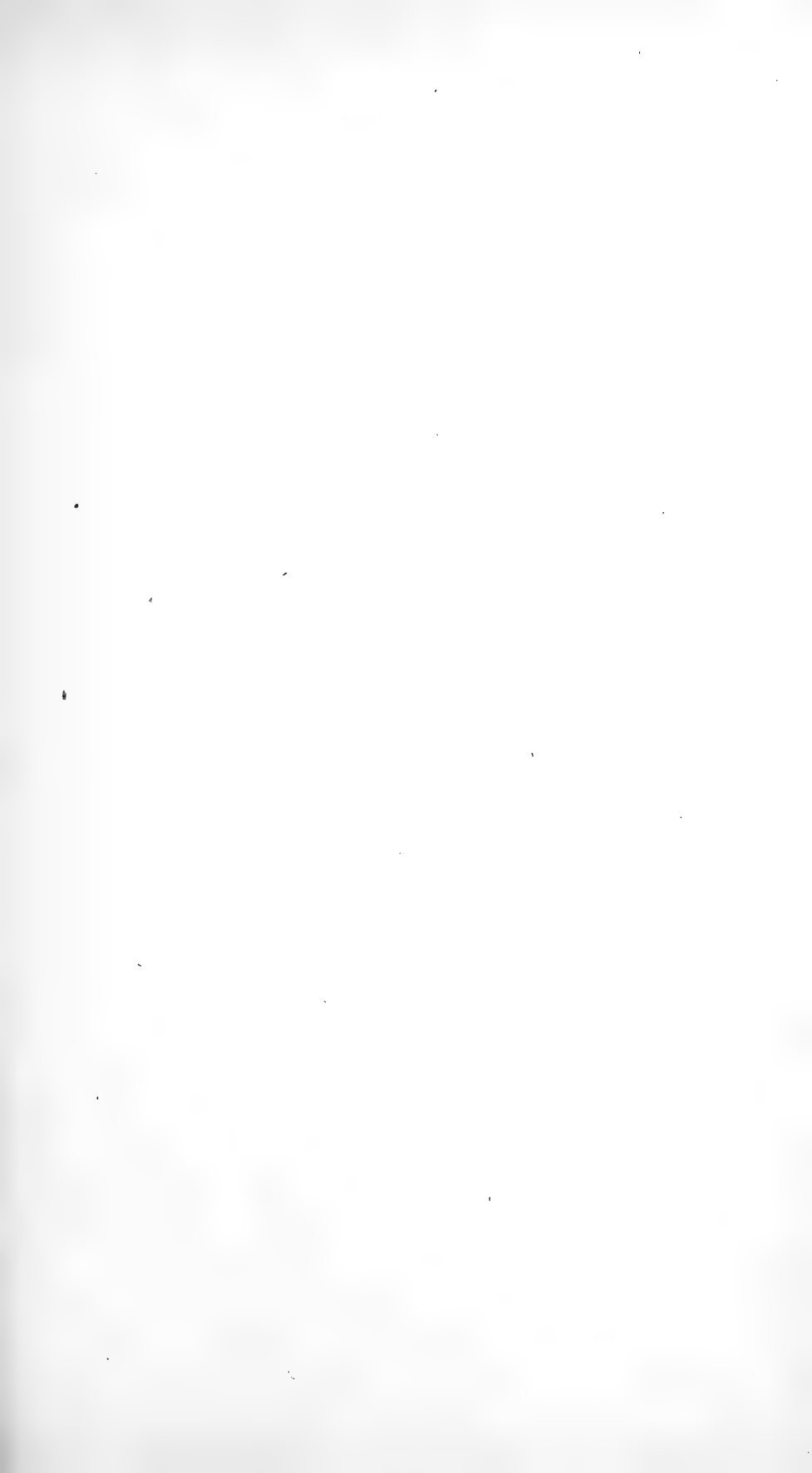
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- (a) proposals on zoological nomenclature submitted to the International Commission for deliberation and decision;
- (b) comments received from, and correspondence by the Secretary with, zoologists on proposals published in the *Bulletin* under (a) above; and
- (c) papers on nomenclatorial implications of developments in taxonomic theory and practice.

Parts 1-10 of volume 1 have now been published. Further Parts are in the press and will be published as soon as possible.







# OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

Secretary to the Commission

VOLUME 1. Part 24. Pp. 245-254.

## OPINION 15

*Craspedacusta sowerbii* Lankester, 1880, n.g.,  
n.sp. versus *Limnocodium victoria* Allman,  
1880, n.g., n.sp., a fresh-water medusa (Class  
Hydrozoa, Order Trachymedusae)

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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION OF THE COMMISSION AT THE TIME OF THE ADOPTION OF *OPINION 15*

### The Officers of the Commission

*President* : Professor Raphael Blanchard (France).

*Executive Secretary* : Dr. Charles Wardell Stiles (U.S.A.).

*Recording Secretary* : Professor F. C. von Maehrenthal (Germany).

### The Members of the Commission

#### *Class 1910*

Monsieur le Professeur Raphael BLANCHARD (France) (*President of the Commission*).

Monsieur le Professeur L. JOUBIN (France).

Dr. Charles Wardell STILES (U.S.A.) (*Executive Secretary to the Commission*).

Dr. Th. STUDER (Switzerland).

Professor R. Ramsay WRIGHT (Canada).

#### *Class 1913*

Monsieur le Professeur Ph. DAUTZENBERG (France).

Professor William Evan HOYLE (United Kingdom).

Dr. L. von GRAFF (Austria-Hungary).

Professor F. C. von MAEHRENTHAL (Germany) (*Recording Secretary to the Commission*).

Professor F. OSBORN (U.S.A.).

#### *Class 1916*

Dr. F. A. JENTINK (Netherlands).

Professor David Starr JORDAN (U.S.A.).

Professor F. S. MONTICELLI (Italy).

Herr Geheimrat Dr. F. E. SCHULZE (Germany.)

Dr. Leonhard STEJNEGER (U.S.A.).



## OPINION 15.

**CRASPEDACUSTA SOWERBII LANKESTER, 1880, N.G., N.SP. VERSUS LIMNOCODIUM VICTORIA ALLMAN, 1880, N.G., N.SP., A FRESH-WATER MEDUSA (CLASS HYDROZOA, ORDER TRACHYMEDUSAE).**

**SUMMARY.**—*Craspedacusta sowerbii* Lankester, 17th June 1880, has clear priority over *Limnocodium victoria* Allman, 24th June 1880. Presentation of a paper before a scientific society does not constitute publication in the sense of the Code.<sup>1</sup>

### I.—THE STATEMENT OF THE CASE.

Professor Alfred G. Mayer has submitted the following case to the Commission for *Opinion*:—

I have recently completed the manuscript of a systematic work upon the Medusae of the World, and respectfully request a decision on the following case.

The generic name *Craspedacusta* was given to a new Hydromedusa by R. Lankester in a short description published in *Nature* 22 : 147, issued 17th June 1880.

On the same day (17th June 1880) Professor Allman read a paper before the Linnean Society of London in which he described the same medusa under the generic name *Limnocodium*. He did not publish this name, however, until 24th June 1880, when it appeared in *Nature* 22 : 178, together with a description of the medusa.

If it is true that generic names must date from the time of printed publication, the name *Craspedacusta* clearly takes precedence over that of *Limnocodium*.

Lankester and Allman, however, came into conflict over the medusa, and published short papers upon it (see *Nature* 22 : 178, 190, 218, 241, 290). The upshot of the controversy was that Lankester agreed to give up his name *Craspedacusta*, provided Allman would accept his specific name<sup>2</sup> *sowerbii*.

The medusa has ever since this date (1880) been known and referred to as *Limnocodium sowerbii*, the generic name being that of Allman and the specific<sup>2</sup> that of Lankester.

I respectfully request the sanction of your committee to retain the name *Limnocodium sowerbii*, for, if we are to revive *Craspedacusta* as a generic name, we must substitute a neglected and unknown name for one very familiar to all students of Medusae, *Limnocodium* having been frequently used, and *Craspedacusta* neglected since 1880.

<sup>1</sup> See NOTE 2 below (pp. 250-251).

<sup>2</sup> The expression "specific name" is here loosely used as the equivalent of the expression "trivial name," which would have been the correct expression to employ in this context. See NOTE 4 to *Opinion* 1 (pp. 78-79 above).

## II.—DISCUSSION OF THE CASE.

2. Upon these premises the Commission bases the following opinions : —

- (1) The presentation of a paper by Professor Allman before the Linnean Society of London on 17th June 1880 does not constitute publication in the sense of Article 25 (Law of Priority) of the International Code of Zoological Nomenclature; hence the name *Limnocodium* Allman does not date from 17th June 1880.

Publication, in the sense of the Code, consists in the public issue of printed matter.

It was not until 24th June 1880 that *Limnocodium* Allman was published in this sense. It clearly is antedated by *Craspedacusta* Lankester, 17th June 1880.

- (2) The following extracts from Professor Lankester's articles, published in *Nature*, London 22 : 178, 191, do not affect the application of the Law of Priority to the question at issue :—

*Extract from Nature* 22 : 178 (24th June 1880)

I am quite willing to give up the name *Craspedacustes* [misprint for *Craspedacusta*].

*Extract from Nature* 22 : 191 (1st July 1880)

While I waive the right of priority for the generic term *Craspedacustes* [misprint for *Craspedacusta*], and adopt Prof. Allman's term *Limnocodium*, I feel it only right to maintain the association of Mr. Sowerby's name with this discovery, which I had originally proposed, and I shall accordingly henceforth speak of the Medusa as *Limnocodium sowerbii* Allman and Lankester.

Lankester's abandonment of the generic name originally proposed by him would imply that an author of a published name has rights over that name which are not common to other writers. Such a view is contrary to the spirit of Article 32<sup>3</sup> of the Code, which states<sup>4</sup> that :—

A generic or a specific name, once published, cannot be rejected, even by its author, because of inappropriateness.

To grant, under the Code, to an author the right of abandonment of names originally published by him, would, in effect, render all names unstable until after the death of the original author.

- (3) The fact that since 1880 the medusa in question has been known and frequently referred to as *Limnocodium sowerbii* is of historical interest, but from a nomenclatural point of view, under the Code, it is not effective. Since this name is not in harmony with the Law of Priority (Article 25), and contravenes Article 32, it has no just basis for acceptance.<sup>5</sup>

<sup>3</sup> The view here referred to would not only be contrary to the spirit of Article 32 but would also directly contravene its provisions, as is made clear in paragraph 2(3) of the present *Opinion*.

<sup>4</sup> The passage here quoted is from the English translation (published in 1905) of the substantive French text of the *Règles Internationales*. The latter reads as follows :—

32. Un nom générique ou spécifique, une fois publié, ne peut plus être rejeté pour cause d'impropriété, même par son auteur.

<sup>5</sup> When *Opinion* 15 was first published, there was a fourth sub-paragraph to paragraph 2. For the reasons explained in NOTE 2 below (pp. 250–251), that subparagraph has since been revoked and has therefore here been deleted.

3. In view of the fact that Professor Mayer is about to publish a systematic work on the Medusae of the World, this time is regarded by the Commission as very opportune in which to adjust the status of the names in question.

4. *Opinion* written by Stiles.

5. *Opinion* concurred in by all fifteen (15) Commissioners: <sup>6</sup> Blanchard, Dautzenberg, Graff, Hoyle,<sup>7</sup> Jentink, Jordan,<sup>8</sup> Joubin, Monticelli, Maehrenthal, Osborn, Schulze, Stejneger, Stiles,<sup>9</sup> Studer, Wright.

### III.—SUPPLEMENTARY NOTES BY INDIVIDUAL COMMISSIONERS.

6. Hoyle adds <sup>10</sup> :—

In regard to the enclosed I hold that your decisions are absolutely correct according to the Code and I have signed them, though with a reservation.

These two cases [Nos. 12 and 15] are, I think, good instances of the point, which I wish to bring before the Commission at its next sitting, as I believe I have already notified you.

The proposal is that we should imitate the botanists and draw up a list of names which are not to be altered under any pretext whatever. I believe this would conduce to uniformity and to the acceptance of the labours of the Commission by zoologists in general.

In the first case the species has never been called anything but *Limnocoedium sowerbii*, and though I quite agree with you that scientific names are not matters for negotiation and compromise I think that in a case where this was done at the very outset before any comparison had time to arise, zoologists would be well advised in ratifying the arrangement.

I thoroughly agree with Stejneger's observations.<sup>11</sup>

7. Note by Stiles :—

Stejneger made two amendments which were accepted by Blanchard, Dautzenberg, Jentink, Hoyle, Graff, Joubin, Schulze, Monticelli, and Stiles; the other Commissioners express no opinion on Stejneger's points, but as the latter were accepted by Stiles, they thus became part of the original *Opinion* and were inferentially accepted by the other Commissioners. They are now incorporated in the decision.

<sup>6</sup> When this *Opinion* was published in 1910, the names of the fifteen Commissioners concerned were inadvertently omitted.

<sup>7</sup> See paragraph 6 below.

<sup>8</sup> The Commissioner here referred to is the late Commissioner David Starr Jordan and not Commissioner Karl Jordan, the present President of the Commission, who at the time of the adoption of *Opinion* 15 was not a Member of the Commission.

<sup>9</sup> See paragraph 7 below.

<sup>10</sup> The note by Commissioner Hoyle here quoted refers not only to *Opinion* 15 but also to *Opinion* 12, where it appears in paragraph 10 (see p. 197 above).

<sup>11</sup> The observations by Commissioner Stejneger here referred to by Commissioner Hoyle are quoted in paragraph 9 of *Opinion* 12 (see pp. 196-197 above) and are discussed in NOTE 3 of that *Opinion* (see pp. 201-202 above).

**Editorial Notes by Francis Hemming, Secretary to the International Commission on Zoological Nomenclature.**

NOTE I.

*Historical particulars.*

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2. This *Opinion* is undated but it cannot have been adopted earlier than on some date in 1908 (the earliest date on which the earlier *Opinion* 6 can have been adopted<sup>12</sup>) or later than on some date in the first half of 1910, since (as shown above) it was published in July of that year.

3. For the reasons explained in paragraph 4 of NOTE I to *Opinion* 6,<sup>13</sup> no manuscript or other unpublished documents relating to this *Opinion* are preserved in the archives of the International Commission on Zoological Nomenclature.

NOTE 2.

*Effect on Opinion 15 of the grant to the International Commission on Zoological Nomenclature in 1913 of plenary powers to suspend the rules in certain cases (Declaration 5).*

At the time when *Opinion* 15 was adopted by the International Commission on Zoological Nomenclature (*i.e.* in the period 1908-1910), the Commission was only empowered to render *Opinions* interpreting the International Code of Zoological Nomenclature or explaining its application in particular cases; for it was not until 1913 that the International Congress of Zoology conferred upon the International Commission plenary powers to suspend the rules as applied to any given name, where, in the judgment of the Commission, the strict application of the rules would clearly result in greater confusion than uniformity (*Declaration* 5).<sup>14</sup>

2. Accordingly, the International Commission were correct when they added the following words at the end of the "summary" of *Opinion* 15: "The Commission is without authority to sanction usage in contravention of the provisions of the Code."

<sup>12</sup> See paragraph 2 to NOTE I to *Opinion* 6 (p. 132 above).

<sup>13</sup> See page 132 above.

<sup>14</sup> See pp. 31-40 above.

3. The same statement was made in different terms in subparagraph (4) of paragraph 2 of *Opinion 15*, which read as follows :—

(4) The Commission has no authority to sanction the use of any name that does not conform to the principles of nomenclature as prescribed by the Code adopted by the International Zoological Congresses.

4. The grant to the International Commission in 1913 of plenary powers to suspend the rules in certain cases completely altered the situation and rendered the statements quoted in paragraphs 2 and 3 above both obsolete and incorrect. These statements are therefore to be regarded as having been revoked by the Plenary Powers Resolution (*Declaration 5*).<sup>14</sup> These statements have accordingly been deleted from the present revised edition of *Opinion 15*. They have, however, been quoted in full in the present NOTE for the sake of historical record.

FRANCIS HEMMING

*Secretary to the International Commission  
on Zoological Nomenclature*

Secretariat of the Commission,  
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21st July, 1945

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- (c) papers on nomenclatorial implications of developments in taxonomic theory and practice.

Parts 1-10 of volume 1 have now been published. Further Parts are in the press and will be published as soon as possible.

## APPEAL FOR FUNDS

The International Trust for Zoological Nomenclature earnestly appeal to all institutions and individuals interested in the development of zoological nomenclature to contribute, according to their means, to the Special (Publications) Fund established for financing the publications of the International Commission on Zoological Nomenclature. Additional donations are urgently needed to enable the Trust to secure that there shall be no interruption in the Publications Programme of the International Commission.

Already since the ending of the war, there has been a noticeable increase in the rate at which new applications have been received by the International Commission from zoologists. The Commission welcome this development and intend to do everything in their power to deal promptly with all such applications, but, if they are to succeed in so doing, they will need to receive active assistance from all institutions and individual zoologists who are in a position to contribute towards the funds of the Commission.

Contributions of any amount, however small, will be most gratefully received and should be sent to the International Trust at their Publications Office, 41, Queen's Gate, London, S.W.7. All such contributions should be made payable to the "International Trust for Zoological Nomenclature or Order" and crossed "Account payee. Coutts & Co."

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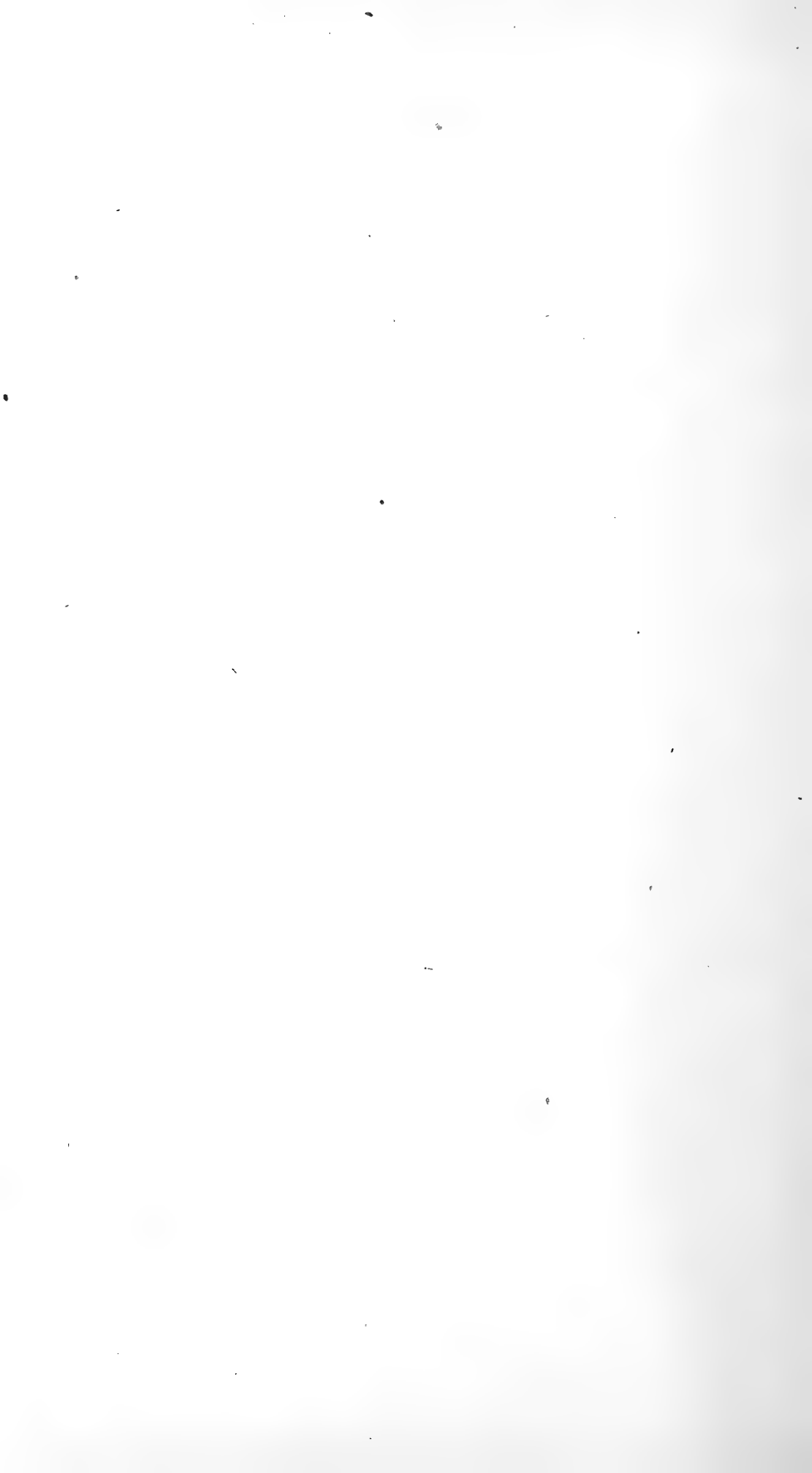
FRANCIS HEMMING

*Secretary to the International Trust for  
Zoological Nomenclature*

International Trust for  
Zoological Nomenclature,  
Publications Office,  
41, Queen's Gate, LONDON, S.W.7.

1st February, 1947.





# OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

*Secretary to the Commission*

**VOLUME 1. Part 25. Pp. 255-304.**

## **OPINION 16**

The status, under rule (d) in Article 30, of a pre-binomial specific name, published prior to 1758, in relation to a generic name published on, or before, 31st December 1930

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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION OF THE COMMISSION AT THE TIME OF THE ADOPTION OF *OPINION 16*

### The Officers of the Commission

*President* : Professor Raphael Blanchard (France).

*Executive Secretary* : Dr. Charles Wardell Stiles (U.S.A.).

*Recording Secretary* : Professor F. C. von Maehrenthal (Germany).

### The Members of the Commission

#### Class 1910

Monsieur le Professeur Raphael BLANCHARD (France) (*President of the Commission*).

Monsieur le Professeur L. JOUBIN (France).

Dr. Charles Wardell STILES (U.S.A.) (*Executive Secretary to the Commission*).

Dr. Th. STÜDER (Switzerland).

Professor R. Ramsay WRIGHT (Canada).

#### Class 1913

Monsieur le Professeur Ph. DAUTZENBERG (France).

Professor William Evan HOYLE (United Kingdom).

Dr. L. von GRAFF (Austria-Hungary).

Professor F. C. von MAEHRENTHAL (Germany) (*Recording Secretary to the Commission*).

Professor F. OSBORN (U.S.A.).

#### Class 1916

Dr. F. A. JENTINK (Netherlands).

Professor David Starr JORDAN (U.S.A.).

Professor F. S. MONTICELLI (Italy).

Herr Geheimrat Dr. F. E. SCHULZE (Germany).

Dr. Leonhard STEJNEGER (U.S.A.).



## OPINION 16.

THE STATUS UNDER RULE (d) IN ARTICLE 30, OF A PRE-BINOMIAL SPECIFIC NAME, PUBLISHED PRIOR TO 1758, IN RELATION TO A GENERIC NAME PUBLISHED ON, OR BEFORE, 31ST DECEMBER 1930.

**SUMMARY.**—In deciding whether a case of absolute tautonymy is present (under rule (d) in Article 30), in relation to a generic name published on, or before, 31st December 1930,<sup>1</sup> the citation of a clear<sup>2</sup> pre-binomial specific name in synonymy is to be construed as complying with the demands of rule (d) in Article 30. Examples<sup>3</sup>: *Equus caballus* Linnaeus, 1758<sup>4</sup> (through “*Equus*” cited in synonymy in the sense of “the horse”) is the type of *Equus* Linnaeus, 1758<sup>4</sup>; *Alca torda* Linnaeus, 1758<sup>4</sup> (through “*Alca*” cited in synonymy in the sense of “the alca”) is the type of *Alca* Linnaeus, 1758.<sup>4</sup>

### I.—THE STATEMENT OF THE CASE.

The following case has been submitted by Dr. Stejneger for *Opinion* :—

Although I myself have very little doubt as to the correctness of applying Article 30, paragraph 1, litt. “*d*” of the International Code to the class of cases mentioned in this communication, I bring it to the attention of the Commission in order that a definite ruling may prevent misunderstandings and consequent deplorable instability and insecurity in the nomenclature of a large number of genera.

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<sup>1</sup> See NOTE 2 below (pp. 272–274).

<sup>2</sup> For a note on the special importance attaching to the expression “clear” as used in this sentence, see paragraph 20 below.

<sup>3</sup> When *Opinion* 16 was published in 1910, only the Linnean specific name and the equivalent pre-1758 uninominal specific name was cited in each of the examples given in the “summary” of this *Opinion*. Since those examples were inserted in the “summary” to illustrate cases where the types of genera were determined by absolute tautonymy through the citation in synonymy of pre-1758 tautonymous uninominal specific names, the relevant generic names (*Equus* Linnaeus, 1758, and *Alca* Linnaeus, 1758) have now been inserted for greater clarity.

<sup>4</sup> The author’s name and the date of publication of this generic name were inadvertently omitted when this *Opinion* was published in 1910.

I allude to the numerous cases of Linnean species which among their cited synonyms have pre-Linnean <sup>5</sup> specific <sup>6</sup> names consisting of one word only. The question which has arisen is this: Does the citation of a non-binominal specific name *ipso facto* make the species to which it belongs the type of the genus having this name for its generic term; in other words, is such a species the "type by absolute tautonymy"?

To quote an example: The genus *Alca* was instituted by Linnaeus in 1758 (*Syst. Nat.* (ed. 10) 1:130). In order to ascertain its type by the aid of Article 30, we make sure, first, that there is no type by original designation (litt. "a"); second, that the word "*typicus*" or "*typus*" is not used (litt. "b"); third, that it is not monotypic (litt. "c"). Now the question arises: does the genus *Alca* contain among its original species one possessing the name "*Alca*" as its specific <sup>7</sup> name among the synonyms quoted? The very first species given by Linnaeus, viz., *Alca torda*, has the following synonymy quoted by him:—

*Alca* Clus. exot. 367. Worm. mus. 363. Will. om. 243, t. 64 f. 2. Raj. av. 119. Alb. av. 3. p. 90 t. 95.

The single name "*Alca*" as thus quoted is a SPECIFIC name <sup>8</sup> and not a generic name. It was first made a generic name by Linnaeus as here cited.

The case thus fits exactly litt. "d" of Article 30, and *Alca torda* "becomes *ipso facto* type of the genus," i.e. "by absolute tautonymy" as provided therein.

## II.—DISCUSSION OF THE CASE.

2. The question raised by Dr. Stejneger is an important one, which requires a careful study not only of the wording of the present Code but also of a number of the generic names used by Linnaeus, and the principles which induced him to adopt certain generic and certain specific names found in the tenth edition of the *Systema Naturae*. As examples of the Linnean generic names which come into consideration the following list may be studied:—

<sup>5</sup> The word "pre-Linnean" was here used as the equivalent of the expression "pre-1758," which would have been the more accurate term to employ in this context. See NOTE 3 to *Opinion 5* (pp. 118–119 above).

<sup>6</sup> As the pre-1758 names here referred to consist of a single word, the adjective "specific" is correctly applicable to them and not the adjective "trivial," which would have been the correct expression to apply to these names if they had been published (after 1757) as the second term of a specific name consisting of a binominal combination. See also footnote 7.

<sup>7</sup> Where rule (d) in Article 30 refers to a "specific name," the reference intended is to a binominal combination of a generic name and a trivial name (as required by Article 2 of the *Règles Internationales*). What constitutes "absolute tautonymy" in such cases is the use of the same word for (i) the generic name and (ii) the trivial name. Accordingly, in the present context, the adjective "trivial" should have been employed in place of the adjective "specific."

<sup>8</sup> See footnote 6.



Name of genus published by Linnaeus, 1758, Syst. Nat. (ed. 10) 1 and page reference		Name used by Linnaeus, 1758, for one of the species included in genus shown in column (1)	Name cited by Linnaeus in synonymy of species shown in column (3)	Type of genus shown in column (1), according to author shown in column (6)	
Name of genus	Page reference			Type of genus	Author by whom species shown in column (5) is regarded as type of genus (6)
(1)	(2)	(3)	(4)	(5)	(6)
<i>Simia</i> <sup>9</sup>	25	<i>S. sylvanus</i>	<i>Simia</i> Gesner	<i>S. satyrus</i>	Fleming, 1822 and Palmer 1904
<i>Vespertilio</i> <sup>10</sup>	32	<i>V. murinus</i>	<i>Vespertilio</i> Gesner	<i>V. murinus</i>	Palmer, 1904
<i>Phoca</i> <sup>11</sup>	37	<i>P. vitulina</i>	<i>Phoca</i> Gesner	<i>P. vitulina</i>	"
<i>Canis</i> <sup>10</sup>	38	<i>C. familiaris</i>	<i>Canis</i> Gesner	<i>C. familiaris</i>	"
<i>Felis</i> <sup>10</sup>	41	<i>F. catus</i>	<i>Felis</i>	<i>F. catus</i>	"
<i>Ursus</i> <sup>11</sup>	47	<i>U. arctos</i>	Aldrovandus <i>Ursus</i> Gesner	<i>U. arctos</i>	"
<i>Sus</i> <sup>11</sup>	49	<i>S. scrofa</i>	<i>Sus</i> Gesner	<i>S. scrofa</i>	"
<i>Talpa</i> <sup>11</sup>	52	<i>T. europaea</i>	<i>Talpa</i> Gesner	<i>T. europaea</i>	"
<i>Sorex</i> <sup>10</sup>	53	<i>S. araneus</i>	<i>Sorex</i>	<i>S. araneus</i>	"
<i>Rhinoceros</i> <sup>13</sup>	56	<i>R. unicornis</i>	Linnaeus <sup>12</sup> <i>Rhinoceros</i>	<i>R. unicornis</i>	"
<i>Hystrix</i> <sup>11</sup>	56	<i>H. cristata</i>	Jonstonus <sup>14</sup> <i>Hystrix</i> Gesner	<i>H. cristata</i>	"
<i>Lepus</i> <sup>10</sup>	57	<i>L. timidus</i>	<i>Lepus</i> Gesner	<i>L. timidus</i>	"
<i>Castor</i> <sup>11</sup>	58	<i>C. fiber</i>	<i>Castor</i> Gesner	<i>C. fiber</i>	"
<i>Mus</i> <sup>10, 16</sup>	59	<i>M. musculus</i>	<i>Mus</i> Gesner	<i>M. rattus</i>	"
<i>Sciurus</i> <sup>10</sup>	60	<i>S. vulgaris</i>	<i>Sciurus</i> Gesner	<i>S. vulgaris</i>	"
<i>Camelus</i> <sup>13, 16</sup>	65	<i>C. dromedarius</i>	<i>Camelus</i> Jonstonus, Gesner, Aldrovandus <sup>17</sup>	<i>C. dromedarius</i>	"
		<i>C. bactrianus</i>	<i>Camelus</i> Gesner	<i>C. bactrianus</i>	Gloger, 1842
<i>Cervus</i> <sup>10</sup>	66	<i>C. elaphas</i>	<i>Cervus</i> Gesner	<i>C. elaphas</i>	Palmer, 1904
<i>Capra</i> <sup>10</sup>	68	<i>C. hircus</i>	<i>Capra</i> Gesner	<i>C. hircus</i>	"
<i>Ovis</i> <sup>11</sup>	70	<i>O. aries</i>	<i>Ovis</i> Gesner	<i>O. aries</i>	"
<i>Bos</i> <sup>11</sup>	71	<i>B. taurus</i>	<i>Bos</i> Gesner	<i>B. taurus</i>	"
<i>Equus</i> <sup>13, 18</sup>	73	<i>E. caballus</i>	<i>Equus</i> Gesner	<i>E. caballus</i>	"
<i>Hippopotamus</i> <sup>11</sup>	74	<i>H. amphibius</i>	<i>Hippopotamus</i> Bellonius <sup>14</sup>	<i>H. amphibius</i>	"
<i>Balaena</i> <sup>11</sup>	75	<i>B. mysticetus</i>	<i>Balaena</i> Willugby <sup>14</sup>	<i>B. mysticetus</i>	"
<i>Delphinus</i> <sup>11</sup>	77	<i>D. delphis</i>	<i>Delphinus</i> Bellonius <sup>14</sup>	<i>D. delphis</i>	"
<i>Vultur</i> <sup>13, 19</sup>	86	<i>V. papa</i>	<i>Vultur</i> Albin <sup>14</sup>	<i>V. gryphus</i>	Allen, 1907
<i>Strix</i> <sup>13, 20</sup>	92	<i>S. stridula</i>	<i>Strix</i> Aldrovandus <sup>14</sup>	<i>S. stridula</i>	Fleming, 1822, apparently : Brisson, 1760, by tautonymy : Newton, 1872, definitely Allen
<i>Corvus</i> <sup>13</sup>	105	<i>C. corax</i>	<i>Corvus</i> Gesner	<i>C. corax</i>	

<sup>9</sup> The name *Simia* Linnaeus, 1758, was later suppressed by the International Commission under their plenary powers in *Opinion* 114. See paragraphs 2 and 3 of NOTE 5 below (p. 280).

Name of genus published by Linnaeus, 1758, Syst. Nat. (ed. 10) 1 and page reference		Name used by Linnaeus, 1758, for one of the species included in genus shown in column (1)	Name cited by Linnaeus in synonymy of species shown in column (3)	Type of genus shown in column (1), according to author shown in column (6)	
Name of genus	Page reference			Type of genus	Author by whom species shown in column (5) is regarded as type of genus
(1)	(2)	(3)	(4)	(5)	(6)
<i>Cuculus</i> <sup>13</sup>	110	<i>C. canorus</i>	<i>Cuculus</i> Gesner	<i>C. canorus</i>	Allen
<i>Merops</i> <sup>13</sup>	117	<i>M. apiaster</i>	<i>Merops</i> Bellonius <sup>14</sup>	<i>M. apiaster</i>	Fleming, 1822 : Gray, 1840
<i>Upupa</i> <sup>13</sup>	117	<i>U. epops</i>	<i>Upupa</i> Linnaeus <sup>14, 21</sup>	<i>U. epops</i>	"
<i>Certhia</i> <sup>13</sup>	118	<i>C. familiaris</i>	<i>Certhia</i> Linnaeus <sup>14, 21</sup>	<i>C. familiaris</i>	Allen
<i>Anas</i> <sup>22</sup>	127	<i>A. boschas</i>	<i>Anas vera torquata minor</i> Gesner <sup>14</sup>	<i>A. boschas</i>	"
<i>Alca</i> <sup>13, 23</sup>	130	<i>A. torda</i>	<i>Alca</i> Clusius <sup>14</sup>	<i>A. torda</i>	"
<i>Pelecanus</i> <sup>13</sup>	132	<i>P. onocrotalus</i>	<i>Onocrotalus</i> s. <i>Pelecanus</i> Aldrovandus <sup>14</sup>	<i>P. onocrotalus</i>	"
<i>Sterna</i> <sup>13</sup>	137	<i>S. hirundo</i>	<i>Sterna</i> Gesner <sup>14</sup>	<i>S. hirundo</i>	Fleming, 1822 : Gray, 1840
<i>Scolopax</i> <sup>13</sup>	145	<i>S. rusticola</i>	<i>Scolopax</i> Aldrovandus <sup>14</sup>	<i>S. rusticola</i>	Allen
<i>Tringa</i> <sup>13</sup>	148	<i>T. ocropus</i>	<i>Tringa</i> Aldrovandus <sup>14</sup>	<i>T. canutus</i>	"
<i>Charadrius</i> <sup>13, 24</sup>	150	<i>C. hiaticula</i>	<i>Charadrius</i> s. <i>Hiaticula</i> Aldrovandus <sup>14</sup>	<i>C. africanus</i>	"
		<i>C. oediconemus</i>	<i>Charadrius</i> Gesner		
<i>Fulica</i> <sup>13</sup>	152	<i>F. atra</i>	<i>Fulica</i> Bellonius <sup>14</sup>	<i>F. atra</i>	"
<i>Otis</i> <sup>13</sup>	154	<i>O. tarda</i>	<i>Otis</i> s. <i>tarda</i> avis Rajus <sup>14</sup>	<i>O. tarda</i>	Fleming, 1822 : Gray, 1840
<i>Struthio</i> <sup>22</sup>	155	<i>S. camelus</i>	<i>Struthio-camelus</i> Aldrovandus <sup>14</sup>	<i>S. camelus</i>	Fleming, 1822 : Gray, 1840
<i>Pavo</i> <sup>13</sup>	156	<i>P. cristatus</i>	<i>Pavo</i> Gesner <sup>14</sup>	<i>P. cristatus</i>	"
<i>Meleagris</i> <sup>13</sup>	156	<i>M. gallopavo</i>	<i>Meleagris</i> Linnaeus <sup>12, 14</sup>	<i>M. gallopavo</i>	Allen
<i>Phasianus</i> <sup>13</sup>	158	<i>P. colchicus</i>	<i>Phasianus</i> Rajus <sup>14</sup>	<i>P. colchicus</i>	Fleming, 1822 : Gray, 1840
<i>Tetrao</i> <sup>13</sup>	159	<i>T. tetrix</i>	<i>Tetrao</i> Gesner <sup>14</sup>	<i>T. tetrix</i>	Fleming, 1822
<i>Sturnus</i> <sup>22</sup>	167	<i>S. vulgaris</i>	<i>Sturnus</i> Gesner <sup>14</sup>	<i>S. vulgaris</i>	Allen

Name of genus published by Linnaeus, 1758, Syst. Nat. (ed. 10) 1 and page reference		Name used by Linnaeus, 1758, for one of the species included in genus shown in column (1)	Name cited by Linnaeus in synonymy of species shown in column (3)	Type of genus shown in column (1), according to author shown in column (6)	
Name of genus	Page reference			Type of genus	Author by whom species shown in column (5) is regarded as type of genus
(1)	(2)	(3)	(4)	(5)	(6)
<i>Loxia</i> <sup>13</sup>	171	<i>L. curvirostra</i>	<i>Loxia</i> Gesner <sup>14</sup>	<i>L. curvirostra</i>	Allen
<i>Fringilla</i> <sup>13</sup>	179	<i>F. coelebs</i>	<i>Fringilla</i> Gesner <sup>14</sup>	<i>F. coelebs</i>	Fleming, 1822 : Gray, 1840
<i>Motacilla</i> <sup>13</sup>	184	<i>M. alba</i>	<i>Motacilla</i> Gesner <sup>14</sup>	<i>M. alba</i>	Allen
<i>Caprimulgus</i> <sup>13</sup>	193	<i>C. europaeus</i>	<i>Caprimulgus</i> Bellonius <sup>14</sup>	<i>C. europaeus</i>	Gray, 1840
<i>Chimaera</i> <sup>25</sup>	236	<i>C. monstrosa</i>	<i>Chimaera</i> Linnaeus <sup>14, 26</sup>	<i>C. monstrosa</i>	Fleming, 1822 : Jordan & Evermann
<i>Acipenser</i> <sup>25</sup>	237	<i>A. sturio</i>	<i>Acipenser</i> Linnaeus <sup>14, 27</sup>	<i>A. sturio</i>	Fleming, 1822 : Jordan & Evermann
<i>Gymnotus</i> <sup>13</sup>	246	<i>G. carapo</i>	<i>Gymnotus</i> Linnaeus <sup>14, 26</sup>	<i>G. carapo</i>	Gill
<i>Stromateus</i> <sup>13</sup>	248	<i>S. fiatola</i>	<i>Stromateus</i> Artedi <sup>14</sup>	<i>S. fiatola</i>	"
<i>Cyclopterus</i> <sup>25</sup>	260	<i>C. lumpus</i>	<i>Cyclopterus</i> Linnaeus <sup>14, 28</sup>	<i>C. lumpus</i>	Jordan & Evermann
<i>Echeneis</i> <sup>29</sup>	260	<i>E. remora</i>	<i>Echeneis</i> Linnaeus, Artedi, and Gronovius <sup>14</sup>	<i>E. remora</i>	Gill, 1864, but not 1862 : not Jordan & Evermann
<i>Silurus</i> <sup>25</sup>	304	<i>S. glanis</i>	<i>Silurus</i> Linnaeus <sup>14, 30</sup>	—	—
<i>Pulex</i> <sup>31</sup>	614	<i>P. irritans</i>	<i>Pulex</i> Linnaeus <sup>15, 14</sup>	<i>P. irritans</i>	Baker
<i>Gordius</i> <sup>32</sup>	647	<i>G. aquaticus</i>	<i>Gordius</i> Linnaeus <sup>14, 33</sup>	<i>G. aquaticus</i>	Fleming, 1822 : Stiles & Hassall
<i>Holothuria</i> <sup>34</sup>	657	<i>H. physalis</i>	<i>Holothuria</i> Rumphinis <sup>14</sup>	<i>H. physalis</i>	Gill, 1907
<i>Sepia</i> <sup>35, 36</sup>	658	<i>S. officinalis</i>	<i>Sepia</i> Linnaeus <sup>14, 37</sup>	—	—
<i>Taenia</i> <sup>38</sup>	819	<i>T. vulgaris</i>	<i>Taenia</i> Schenk	<i>T. solium</i>	Braun : Stiles
Compare also :— <i>Chaos</i> Linnaeus, 1767, Syst. Nat. (ed. 12) 1 (2) : 1074, 1326 <sup>39</sup>		<i>C. protheus</i> Linnaeus, 1767, Syst. Nat. (ed. 12) 1 (2) : 1326	<i>Volvox chaos</i> Linnaeus, 1758, Syst. Nat. (ed. 10) 1 : 821	<i>V. chaos</i> Linnaeus, 1758, Syst. Nat. (ed. 10) 1 : 821	Stiles & Hassall

<sup>10</sup> This name was later placed on the *Official List of Generic Names in Zoology* by *Opinion* 91. See paragraph 4 of *NOTE* 4 below (p. 278).

<sup>11</sup> This name was later placed on the *Official List of Generic Names in Zoology* by *Opinion* 75. See paragraph 4 of NOTE 4 below (p. 278).

<sup>12</sup> This reference is to the 1st edition of the *Fauna svecica* of Linnaeus published in 1746.

<sup>13</sup> See paragraphs 7 and 8 of NOTE 4 below (pp. 279-280).

<sup>14</sup> The name of this author was inadvertently omitted from this table when *Opinion* 16 was published in 1910.

<sup>15</sup> See paragraphs 4-9 of NOTE 5 below (pp. 281-282).

<sup>16</sup> See paragraphs 10-14 of NOTE 5 below (pp. 282-283).

<sup>17</sup> When *Opinion* 16 was published in 1910, only the name of Gesner was here cited; this was misleading, since Gesner was only the second of three authorities cited by Linnaeus for this use of the name "*Camelus*."

<sup>18</sup> As recorded in the "summary" of *Opinion* 16, the Commission have decided that *Equus caballus* Linnaeus, 1758, is the type of *Equus* Linnaeus, 1758.

<sup>19</sup> See paragraphs 15-17 of NOTE 5 below (p. 284).

<sup>20</sup> See paragraphs 22-24 of NOTE 5 below (pp. 285-286).

<sup>21</sup> The reference is to the 1st edition of the *Fauna svecica* of Linnaeus published in 1746. Linnaeus gave supplementary references to Bellonius, Gesner, Aldrovandi, Jonstonus, Willugby, Rajus, Albin, etc.

<sup>22</sup> This name was later placed on the *Official List of Generic Names in Zoology* by *Opinion* 67. See paragraph 4 of NOTE 4 below (p. 278).

<sup>23</sup> As recorded in the "summary" of *Opinion* 16, the Commission have decided that *Alca torda* Linnaeus, 1758, is the type of *Alca* Linnaeus, 1758.

<sup>24</sup> See paragraphs 18-21 of NOTE 5 below (pp. 284-285).

<sup>25</sup> This name was later placed on the *Official List of Generic Names in Zoology* by *Opinion* 77. See paragraph 4 of NOTE 4 below (p. 278).

<sup>26</sup> The reference is to the *Museum S.R.M. Adolphi Friderici Regis* of Linnaeus published in 1754.

<sup>27</sup> The reference is to the so-called *Iter Scanicum* of Linnaeus published in 1751 under the title "Skånska Resa . . . Förrättad år 1749."

<sup>28</sup> Linnaeus cited two references, the first to the 1st edition of his *Fauna svecica* (1746), the second to the *Iter Scanicum* (1751). See footnote 27 for the full title of the last-named work.

<sup>29</sup> This name was later placed on the *Official List of Generic Names in Zoology* by *Opinion* 92 but with an incorrect type. See NOTE 6 below (pp. 287-297).

<sup>30</sup> The reference is to "*Act. Stockh.* 1756. p. 34. t. 3."

<sup>31</sup> This name was later placed on the *Official List of Generic Names in Zoology* by *Opinion* 104. See paragraph 4 of NOTE 4 below (p. 278).

<sup>32</sup> This name was later placed on the *Official List of Generic Names in Zoology* by *Opinion* 66. See paragraph 4 of NOTE 4 below (p. 278).

<sup>33</sup> The reference is to the so-called *Iter Gotlandicum* of Linnaeus published in 1745 under the title "Oländska och Gothländska Resa förrättad ahr 1741."

<sup>34</sup> The name *Holothuria* Linnaeus, 1758, was later suppressed by the International Commission under their plenary powers in *Opinion* 80. See paragraph 6(i) of NOTE 4 below (p. 279).

<sup>35</sup> This name was later placed on the *Official List of Generic Names in Zoology* by *Opinion* 94. See paragraph 4 of NOTE 4 below (p. 278).

<sup>36</sup> See paragraphs 25-28 of NOTE 5 below (p. 286).

<sup>37</sup> Linnaeus cited two references: first, the 1st edition of his *Fauna svecica* published in 1746, second, vol. 1 (: 325) of the *Amoenitates Academicæ*.

<sup>38</sup> This name was later placed on the *Official List of Generic Names in Zoology* by *Opinion* 84 but with an incorrect type. See NOTE 7 below (pp. 297-302).

<sup>39</sup> See NOTE 3 below (pp. 274-277) and paragraph 7 of NOTE 4 below (pp. 279-280).

3. If the specific names in the foregoing list <sup>40</sup> are compared with other specific names used by Linnaeus, 1758, as for instance :—

p. 73.—*Equus asinus* : Linnaeus cites *Asinus* Gesn. in references ;

p. 74.—*Equus zebra* : Linnaeus cites *Zebra* in references ;

it is seen that the general plan followed by Linnaeus was to adopt older names, unless this resulted in tautonymy. As the adoption of *Equus* Gesn. as specific <sup>41</sup> name would have resulted in tautonymy, Linnaeus adopted *Equus caballus* instead.

4. This point comes out again very clearly in the case of *Volvox chaos* Linnaeus, 1758. When later—in 1767—Linnaeus used *Chaos* as generic name, he adopted “*protheus*” (i.e. *Chaos protheus* Linnaeus, 1767) to avoid using the tautonymic combination *Chaos chaos*. Linnaeus’s custom in this respect is so clear that there is no room for doubt as to his ideas in regard to the use of tautonymy.

5. Referring to Linnaeus’s Code,<sup>42</sup> the following Articles are of interest as having some bearing upon the subject :—

242. Nomen genericum antiquum antiquo generi convenit.

246. Si genus receptum, secundum jus naturae et artis, in plura dirimi debet, tum nomen antea commune manebit vulgatissime et officinali plantae.

6. It is seen that Linnaeus’s idea was to preserve names in general in their pre-binominal sense, and, had he not been opposed to tautonymy, he would undoubtedly have formed tautonymic combinations in nearly all of the cases given in the list quoted in the foregoing.<sup>43</sup> Had he done this, the question raised by Dr. Stejneger would not come up for consideration, for the genotypes would be definitely settled.<sup>44</sup>

7. The question which is now raised, therefore, brings up the point : Since Linnaeus directly avoided tautonymy, are we justified in considering the specific names in question as coming under Article 30(d) ? This Article reads as follows :—

<sup>40</sup> The names referred to are those set out in column (3) of the list in paragraph 2 above.

<sup>41</sup> For the reasons explained in footnote 7, the adjective “trivial” should have been used here instead of the adjective “specific.”

<sup>42</sup> The reference is to the Code of Botanical Nomenclature published by Linnaeus in 1751 under the title *Philosophia botanica*. Rule 242 appears on page 195 of that work and rule 246 on page 197.

<sup>43</sup> See paragraph 2 above.

<sup>44</sup> In the case here contemplated, the types of the genera concerned would have been settled automatically under rule (d) in Article 30 of the *Règles Internationales*.

- (d) If a genus, without originally designated (see (a) <sup>45</sup>) or indicated (see (b) <sup>46</sup>) type, contains among its original species one possessing the generic name as its specific or subspecific name, either as valid name or synonym, that species or subspecies becomes *ipso facto* type of the genus (type by absolute tautonymy).

8. In searching for precedents, the interesting point arises that the Nomenclatural Commission of the Botanical Club of the American Association for the Advancement of Science apparently considered a point involving a very similar principle, for in its report for 1904 ( : 256) we find the following :—

When a pre-binomial generic name is displaced by the publication of a generic name within binomial usage, the application of the displaced name to a species under the new generic name designates the type. Example.—*Dianthus* L. sp. pl. 409, a genus adopted from Tournefort with a change of his name *Caryophyllus*, is typified by *Dianthus caryophyllus*, one of the fifteen original species of Linnaeus.

9. Examining the particular case raised by Dr. Stejneger, the following points come to attention :—

- (1) The genera in question were published “ without originally designated <sup>45</sup> or indicated <sup>46</sup> type.”
- (2) The genera in question do not contain among their original species any species possessing the generic name as a *valid* specific or subspecific name.<sup>47</sup> In fact, Linnaeus carefully and consistently avoided making absolute tautonymic combinations, as may be seen from the list of cases cited in the foregoing.<sup>48</sup>
- (3) The cases in question have certain pre-binomial names cited in connection with the specific names used, and the Commission has already accepted these citations (see *Opinion* 5 <sup>49</sup>) as representing synonymic citations. Hence, it follows that the names in question are synonyms. •

<sup>45</sup> The reference is to rule (a) in Article 30, the English text of which reads as follows :—

- (a) When in the original publication of a genus, one of the species is definitely designated as type, this species shall be accepted as type, regardless of any other considerations (type by original designation).

<sup>46</sup> The reference is to rule (b) in Article 30, the English text of which reads as follows :—

- (b) If in the original publication of a genus, *typicus* or *typus* is used as a *new* specific name for one of the species, such use shall be construed as “ type by original designation.”

<sup>47</sup> The names here referred to are specific and subspecific *trivial* names, *i.e.* in the cases of species, the second of the two terms constituting the “ specific name ” (= *nomen specificum*) and, in the case of subspecies, the third of the three terms constituting the “ subspecific name ” (= *nomen subspecificum*).

<sup>48</sup> The names here referred to are those set out in column (3) of the list given in paragraph 2 above. <sup>49</sup> See pp. 115–126 above.

- (4) From the citation and from the references, it seems clear that *many* of these names are pre-binominal *specific*<sup>50</sup> names, used in the sense of "the horse," "the dog," etc. Hence, it follows that certain of the Linnean generic names in question contain among their original species "*one possessing the generic name as its specific or subspecific name, either as valid name or synonym,*" and these species in question, therefore, become, *ipso facto*, types of the respective genera, unless it be shown that some other paragraph of the Code excludes these synonyms from consideration.

10. The only paragraph which would come into consideration is found in Article 26 (see portion here italicised), which reads:—

26. The tenth edition of Linnaeus's *Systema Naturae*, 1758, is the work which inaugurated the consistent general application of binary nomenclature in zoology. *The date 1758, therefore, is accepted as the starting point of zoological nomenclature and of the Law of Priority.*<sup>51</sup>

11. This paragraph gives rise to the question whether any zoological nomenclature is recognised as existing prior to 1758. This question appears to have been settled in the affirmative in an earlier decision (see *Opinion 5*<sup>52</sup>).

12. It may, in addition, be pointed out that the views advanced in the foregoing are entirely in harmony with the views expressed in Articles 242 and 246 of the Linnean Code as quoted above.<sup>53</sup>

13. In the list of genera given in paragraph 2 above<sup>54</sup> it will be noticed that in nearly every case the genotype determined on the basis of Article 30(d) agrees with the type as generally accepted, or at least as adopted by good authority. Several cases, however, call for special consideration.

14. *Case of Simia Linnaeus*, 1758<sup>55</sup>:—At first it might appear

<sup>50</sup> See footnote 6.

<sup>51</sup> The wording of Article 26 was amended by the Eleventh International Congress of Zoology at its meeting held at Padua in 1930. The amendments then made in no way affect, however, the argument contained in paragraphs 10 and 11 of *Opinion 16*. For the text of Article 26 in its amended form and a discussion of the reasons leading to that amendment, see NOTE 3 to *Opinion 3* (pp. 98–100 above).

<sup>52</sup> See pages 115–126 above.

<sup>53</sup> See paragraph 5 of *Opinion 16* (p. 263 above).

<sup>54</sup> See pp. 259–261 above.

<sup>55</sup> The name *Simia* Linnaeus, 1758, has since been suppressed by the International Commission under their plenary powers. See paragraph 6(ii) of NOTE 4 below (p. 279) and paragraphs 2 and 3 of NOTE 5 below (p. 280).

that *Simia sylvanus* Linnaeus, 1758, should be the type of *Simia* Linnaeus, 1758, although Palmer<sup>56</sup> has adopted *Simia satyrus* Linnaeus, 1758, as type. An examination of Gesner's text shows, however, that he did not use "*Simia*" in the specific sense of "the Simia." Accordingly, this case is not disturbed by the present ruling. From Linnaeus's entry, "*Simiae veterum*," it seems clear that Linnaeus intended the generic name to follow the two species *S. satyrus* and *S. sylvanus*, and, according to Palmer, *S. satyrus* is to be accepted as type.

15. *Case of Mus Linnaeus, 1758*<sup>57</sup>:—*Mus* Linnaeus, 1758, was proposed without definitely designated type but containing, beside other species, *M. rattus* Linnaeus, 1758, and *M. musculus* Linnaeus, 1758. The Linnean rule<sup>58</sup> would indicate that the type should lie between these two species. The fact that Linnaeus cites "*Mus Gesner*" under *M. musculus* Linnaeus would seem to indicate this as type, but this interpretation is not in harmony with Palmer, 1904,<sup>59</sup> who adopts *M. rattus* Linnaeus as genotype. This particular case is disposed of<sup>60</sup> under the International Code, by Article 30 (d) and (f), in this way: Rafinesque, 1814, proposed the generic name *Musculus* Rafinesque as substitute for *Mus* Linnaeus, 1758. *Mus musculus* Linnaeus becomes type of *Musculus* Rafinesque by Article 30(d), and by Article 30(f) it thereby automatically becomes type of *Mus* Linnaeus. This is in harmony with the present ruling also.

16. *Case of Camelus Linnaeus, 1758*<sup>61</sup>:—The type, under Stejneger's proposition, is confined<sup>62</sup> to *C. dromedarius* Linnaeus, 1758, and *C. bactrianus* Linnaeus, 1758. Gloger, 1842,<sup>63</sup> divided *Camelus* Linnaeus, 1758, into (1) *Dromedarius* Gloger,<sup>64</sup> to contain

<sup>56</sup> See Palmer, 1904, *N. Amer. Fauna* 23 : 632.

<sup>57</sup> See paragraph 4 of NOTE 4 below (p. 278) and paragraphs 4 to 9 of NOTE 5 below (pp. 281-282).

<sup>58</sup> The so-called "Linnean rule" is embodied in the *Règles Internationales* as item (h) in Article 30, where it appears not as a binding rule but as a "Recommendation," compliance with which is optional. See paragraphs 25 and 26 of NOTE 5 below (p. 286).

<sup>59</sup> See Palmer, 1904, *N. Amer. Fauna* 23 : 435.

<sup>60</sup> This statement is based upon a misapprehension. See paragraph 7 of NOTE 5 below (pp. 281-282).

<sup>61</sup> The argument embodied in this paragraph is defective and was not accepted by the International Commission. See NOTE 3 below (pp. 274-277) and paragraphs 10-14 of NOTE 5 below (pp. 282-283).

<sup>62</sup> This statement is incorrect. See paragraph 10 of NOTE 5 below (p. 282).

<sup>63</sup> Though dated "1842," Gloger's work was in fact published in 1841.

<sup>64</sup> *Dromedarius* Gloger, [1841], *Handb. Naturg.* (1) : xxxiii, 134. The name *Dromedarius* Gloger, [1841], is invalid, since it is a homonym of *Dromedarius* Wagler, 1830, *Nat. Syst. Amph.* : 31.



*D. africanus* Gloger<sup>65</sup> (synonym of *Camelus dromedarius* Linnaeus, 1758) (monotype and tautonymy); and (2) *Camelus* Linnaeus, 1758, to contain *C. bactrianus* (which now becomes monotypic). According to this, unless some one prior to 1842 designated a type for *Camelus* Linnaeus, Palmer's acceptance of *C. dromedarius* Linnaeus as type (apparently on basis of Hay, 1902) is not in harmony with Article 30(g), but the action of Gloger is in harmony with the present ruling covering *Alca torda* Linnaeus, 1758.

17. *Case of Vultur Linnaeus, 1758.*<sup>66</sup>—It is shown in the foregoing list that Allen, 1907,<sup>67</sup> takes *V. gryphus* Linnaeus, 1758, as type, while the present ruling would bring up the question whether *V. papa* Linnaeus, 1758, is not the genotype. Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1: 86, cites "Vultur, Alb. au. 2, p. 4, t. 4.", but this citation is erroneous: Albinus does not use the word "Vultur"; the heading of the text is: "The Warworwen, or Indian Vulture," while on the plate it is "Rex Warwouwenum occidentalis—The Warwouwen."

18. *Case of Charadrius Linnaeus, 1758.*<sup>68</sup>—Comparing Gesner's original text, we find that he says: "Charadrius, ni fallor, Aristotelis haec avis est," which would appear to rule *C. oediconemus* Linnaeus out of consideration under the present interpretation.<sup>69</sup>

19. *Case of Strix Linnaeus, 1758.*<sup>70</sup>—The case of *Strix* Linnaeus, 1758, has been the subject of considerable discussion. It appears to have been settled under Article 30(d) in 1760 by Brisson's

<sup>65</sup> *Dromedarius africanus* Gloger, 1841, *Handb. Naturg.* (1): 134.

<sup>66</sup> See paragraph 7 of NOTE 4 below (pages 279–280) and paragraphs 15–17 of NOTE 5 below (p. 284).

<sup>67</sup> Allen, 1907, *Bull. Amer. Mus. nat. Hist.* 24: 11.

<sup>68</sup> See paragraph 7 of NOTE 4 below (pp. 279–280) and paragraphs 18–21 of NOTE 5 below (pp. 284–285).

<sup>69</sup> When this *Opinion* was published in 1910, there followed at this point the following sentence: "The species *C. africanus*, accepted as genotype by Allen, is not one of the original species of 1758." This sentence was completely inaccurate and can only have been inserted as the result of a misreading of Allen's paper (1907, *Bull. Amer. Mus. nat. Hist.* 24: 33); it has accordingly been omitted from the present re-issue of this *Opinion*. The sentence would have been correct if in fact Allen had said that "*C. africanus*" was the genotype of *Charadrius* Linnaeus; but he said nothing of the sort. What he said was: "*Charadrius* Linnaeus, 1758. Type, *C. apricarius* Linn., by designation of Gray in 1840." *Charadrius apricarius* Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1: 150, was the seventh of the eleven species included by Linnaeus in the genus *Charadrius* Linnaeus, when he first published that name.

<sup>70</sup> See paragraph 7 of NOTE 4 below (pp. 279–280) and paragraphs 22–24 of NOTE 5 below (pp. 285–286).

tautonymic *Strix strix* Brisson, 1760<sup>71</sup> (= *Strix stridula* Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1 : 92).

20. From the foregoing case it is clear that a simple citation by Linnaeus of a name as "*Simia*" under *Simia sylvanus* Linnaeus or of "*Taenia*" under *Taenia vulgaris* Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1 : 820, is not sufficient justification for rejecting a generally accepted genotype on basis of the precedent of *Alca torda* Linnaeus. On the contrary, it is necessary for an author to show that the name cited by Linnaeus was used in a specific sense, as "the horse," "the dog," etc. When this can be shown, an author is justified in applying Article 30(d) to cases in which the citation of a pre-binominal specific name would have resulted in tautonymy.

21. *Case of Sepia Linnaeus, 1758.*<sup>72</sup>—If the Linnean rule 246 (see International Code, Article 30(h)) be applied, *S. officinalis* Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1 : 658, would be the type. This does not constitute a designation of type.

22. The following genera, if construed<sup>73</sup> under the present

<sup>71</sup> The question whether new generic names published by Mathurin Jacques Brisson in 1760 in the work entitled *Ornithologia sive synopsis methodica sistens Avium divisionem in ordines* should be accepted as having been published in a manner which satisfied Article 25 of the *Règles Internationales* was submitted to the International Commission on Zoological Nomenclature for decision by Dr. Ernst Hartert not long after the receipt by the Commission from Dr. L. Stejneger of the petition relating to the interpretation of rule (d) in Article 30 dealt with in *Opinion* 16. The Commission decided, as regards Dr. Hartert's petition, that new generic names in Brisson's *Ornithologia* were available under the *Règles* and this decision was embodied in *Opinion* 37 published in *Smithson. Inst. Publ.* 2013 : 87-88, which appeared in July 1911 (*i.e.* exactly twelve months after the publication of *Opinion* 16 in *Smithson. Inst. Publ.* 1938 : 31-39). Nothing was said in *Opinion* 37 to suggest that the Commission regarded as available nomenclatorially the specific trivial names used by Brisson in his *Ornithologia* and, as the argument in that *Opinion*, in so far as it is relevant to this subject, rests upon the argument used in *Opinion* 20 (which was published simultaneously and sets out the views then held by the Commission regarding the meaning of the expression "nomenclature binaire" as used in Article 25), it is to be inferred that, if the Commission had been asked to express a view on this subject, they would have held that specific trivial names first published in Brisson's *Ornithologia* (unlike generic names first published in that work) did not satisfy the requirements of Article 25. The arguments expressed by the Secretary to the Commission in paragraph 19 of *Opinion* 16 must, therefore, be regarded as being no more than the personal views of that author. For an explanation of the method of drafting adopted in *Opinion* 16 and other early *Opinions* of the Commission, see NOTE 3 to the present *Opinion* (pp. 274-277 below).

<sup>72</sup> See paragraph 4 of NOTE 4 below (p. 278) and paragraphs 25-28 of NOTE 5 below (p. 286).

<sup>73</sup> The expression "if construed under the present ruling" as here used does not mean that there is any choice whether, as respects any given name, the ruling embodied in *Opinion* 16 is to be applied to that name; it means

ruling, would seem to retain as types the same species which are accepted by good authority as genotypes, but their inclusion in this paragraph does not constitute a ruling by this Commission :—

(a) *Mammals.*

*Vespertilio* Linnaeus, 1758; *Phoca* Linnaeus, 1758; *Canis* Linnaeus, 1758; *Felis* Linnaeus, 1758; *Ursus* Linnaeus, 1758; *Sus* Linnaeus, 1758; *Talpa* Linnaeus, 1758; *Sorex* Linnaeus, 1758; *Rhinoceros* Linnaeus, 1758; *Hystrix* Linnaeus, 1758; *Lepus* Linnaeus, 1758; *Castor* Linnaeus, 1758; *Sciurus* Linnaeus, 1758; *Cervus* Linnaeus, 1758; *Ovis* Linnaeus, 1758; *Bos* Linnaeus, 1758<sup>74</sup>; *Hippopotamus* Linnaeus, 1758; *Balaena* Linnaeus, 1758; *Delphinus* Linnaeus, 1758.

(b) *Birds.*

*Strix* Linnaeus, 1758; *Corvus*<sup>75</sup> Linnaeus, 1758; *Cuculus* Linnaeus, 1758; *Merops* Linnaeus, 1758; *Upupa* Linnaeus, 1758; *Certhia* Linnaeus, 1758; *Anas* Linnaeus, 1758<sup>76</sup>; *Pelecanus* Linnaeus, 1758; *Sterna* Linnaeus, 1758; *Scolopax* Linnaeus, 1758; *Fulica* Linnaeus, 1758; *Otis* Linnaeus, 1758; *Struthio* Linnaeus, 1758; *Pavo* Linnaeus, 1758; *Meleagris* Linnaeus, 1758; *Phasianus* Linnaeus, 1758; *Tetrao* Linnaeus, 1758; *Sturnus* Linnaeus, 1758; *Loxia* Linnaeus, 1758; *Fringilla* Linnaeus, 1758; *Motacilla* Linnaeus, 1758; *Caprimulgus* Linnaeus, 1758.

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“ if, when the criteria prescribed in paragraph 20 of *Opinion* 16 are applied to any given name, it is found that that name falls within the scope of the decision embodied in that *Opinion*.”

<sup>74</sup> When this *Opinion* was published in 1910, the name *Equus* Linnaeus followed the name *Bos* Linnaeus in the list given in paragraph 22. As pointed out in NOTE 3 below (pp. 274–277), this can only have been due to inadvertence, since in the Commission’s decision, as set out in the “ summary ” of this *Opinion*, a definite ruling is given regarding the type of the genus *Equus* Linnaeus. That name has accordingly now been deleted from paragraph 22.

<sup>75</sup> When *Opinion* 16 was published in 1910, this name was misspelt *Cervus* in this paragraph.

<sup>76</sup> When *Opinion* 16 was published in 1910, the name *Alca* Linnaeus followed the name *Anas* Linnaeus in the list given in paragraph 22. As pointed out in NOTE 3 below, this can only have been due to inadvertence; the error has accordingly been rectified on the present occasion by the deletion of the name *Alca* Linnaeus from this paragraph. For a parallel case, see footnote 74.

(c) *Fish.*

*Chimaera* Linnaeus, 1758; *Acipenser* Linnaeus, 1758; *Gymnotus* Linnaeus, 1758; *Stromateus* Linnaeus, 1758; *Cyclopterus* Linnaeus, 1758; *Echeneis* Linnaeus, 1758.

(d) *Invertebrates.*

*Pulex* Linnaeus, 1758; *Gordius* Linnaeus, 1758; *Holothuria* Linnaeus, 1758.<sup>77</sup>

23. The following genera, if construed<sup>73</sup> under the present ruling, would seem to take as type a species which is not accepted by certain authorities, but their inclusion in this paragraph does not constitute a ruling to the effect that the authorities in question are in error, and if any author attempts to construe the cases under the present ruling the burden of proof to show that he is justified in this procedure rests upon him:—

(a) *Mammals.*

*Simia* Linnaeus, 1758.<sup>78</sup>

(b) *Birds.*

*Vultur* Linnaeus, 1758; *Tringa* Linnaeus, 1758; *Charadrius* Linnaeus, 1758.

(c) *Invertebrates.*

*Taenia* Linnaeus, 1758.

24. It is the opinion<sup>79</sup> of the Commission that the types for the following genera are the species here cited:—

(a) *Mammals.*

*Mus* Linnaeus, 1758<sup>80</sup> (*Mus musculus* Linnaeus, 1758, by Article 30(f)); *Camelus* Linnaeus, 1758<sup>81</sup> (*Camelus bactrianus* Linnaeus, 1758, by Article 30(g)).

<sup>77</sup> This name has since been suppressed by the International Commission under their plenary powers. See paragraph 6(i) of NOTE 4 below (p. 279).

<sup>78</sup> This name has since been suppressed by the International Commission under their plenary powers. See paragraph 6(ii) of NOTE 4 below (p. 279) and paragraphs 2 and 3 of NOTE 5 below (p. 280).

<sup>79</sup> As explained in NOTE 3 below (pp. 274-277), this paragraph in the "Discussion" was not adopted by the International Commission and the statements in it do not form part of the Commission's decision.

<sup>80</sup> The type of *Mus* Linnaeus, 1758, was not settled by this paragraph, for reason indicated in footnote 79. A decision on this subject was, however, taken by the International Commission in *Opinion* 91. See paragraph 4 of NOTE 4 below (p. 278) and paragraphs 4-9 of NOTE 5 below (pp. 281-282).

<sup>81</sup> The type of *Camelus* Linnaeus, 1758, was not settled by this paragraph, for the reason indicated in footnote 79. See also paragraphs 7 and 8 of NOTE 4 below (pp. 279-280) and paragraphs 10-14 of NOTE 5 below (pp. 282-283).

(b) *Birds.*

*Alca* Linnaeus, 1758<sup>82</sup> (*Alca torda* Linnaeus, 1758, by Article 30(d)).

(c) *Invertebrates.*

*Chaos* Linnaeus, 1767<sup>83</sup> (*Chaos protheus* Linnaeus, 1767; synonym of *Volvox chaos* Linnaeus, 1758, by Article 30(d)).

25. *Opinion* written by Stiles.

26. *Opinion* concurred in by ten (10) Commissioners: Blanchard, Graff, Hoyle (*Alca*, *Mus*, *Chaos*, *Camelus*<sup>84</sup>), Jentink, Jordan,<sup>85</sup> Joubin, Monticelli (reservation<sup>86</sup>), Stejneger, Stiles, Wright.

27. *Opinion* dissented from by two (2) Commissioners: Maehrenthal,<sup>87</sup> Schulze.<sup>87</sup>

28. Not voting, three (3) Commissioners: Dautzenberg, Osborn, Studer.

## III.—NOTES BY INDIVIDUAL COMMISSIONERS.

29. Maehrenthal and Schulze say<sup>88</sup> :—

Wenn die von Linné 1758 zitierten Namen aus den Schriften von Gesner, Aldrovandi und anderen Autoren die keine binäre Nomenklatur anwandten, Namen von Species sind, so sind sie deshalb noch keine *spezifischen*<sup>89</sup> Namen, die notwendigerweise generische Namen zur Bedingung haben. Diese von Linné zitierten Namen können daher nicht als *Synonyme* von spezifischen und subspezifischen<sup>90</sup> Namen im Sinne der binären Nomenklatur angesehen werden.

<sup>82</sup> The type of *Alca* Linnaeus, 1758, was settled by the International Commission in *Opinion* 16 through the inclusion of this name in the decision recorded in the "summary" of that *Opinion*.

<sup>83</sup> The generic name *Chaos* Linnaeus, 1767, does not fall within the scope of the decision embodied in *Opinion* 16, since its type is the binominally named species *Volvox chaos* Linnaeus, 1758, and not a pre-1758 uninominal specific name of the kind exemplified in column (3) of paragraph 2. For the reason explained in footnote 79, paragraph 24 of *Opinion* 16 does not in any way affect the status of this name. See paragraphs 7 and 8 of NOTE 4 below (pp. 279–280).

<sup>84</sup> See paragraph 5(vi) of NOTE 3 below (p. 276).

<sup>85</sup> The Commissioner here referred to is the late Commissioner David Starr Jordan not Commissioner Karl Jordan, the present President of the Commission, who at the time of the adoption of *Opinion* 16 was not a member of the Commission.

<sup>86</sup> The nature of this reservation is not recorded. See the note to subparagraph (iii) of paragraph 6 of NOTE 3 below (p. 276).

<sup>87</sup> See paragraph 29 of *Opinion* 16.

<sup>88</sup> When *Opinion* 16 was published in 1910, the following translation of the note by Commissioners Maehrenthal and Schulze was added in a footnote :—

If the names cited by Linnaeus, 1758, from the writings of Gesner, Aldrovandi, and other authors (who did not use binary nomenclature) are names of species, still they are not in consequence specific names,<sup>89</sup> which necessarily presuppose generic names as prerequisite. These names, cited by Linnaeus, cannot therefore be viewed as specific and subspecific<sup>90</sup> names in the sense of binary nomenclature.

<sup>89</sup> See footnote 7.

<sup>90</sup> See footnote 47.

**Editorial Notes by Francis Hemming, Secretary to the International Commission on Zoological Nomenclature.**

NOTE 1.

*Historical particulars.*

*Opinion* 16 was published in July 1910 (*Smithsonian Publication* 1938 : 31-39), when the Smithsonian Institution first undertook to publish the *Opinions* rendered by the International Commission on Zoological Nomenclature.

2. This *Opinion* is undated but it cannot have been adopted earlier than on some date in 1908 (the earliest date on which the earlier *Opinion* 6 can have been adopted<sup>91</sup>) or later than on some date in the first half of 1910, since (as shown above) it was published in July of that year.

3. For the reasons explained in paragraph 4<sup>92</sup> of NOTE 1 to *Opinion* 6 no manuscript or other unpublished documents relating to this *Opinion* are preserved in the archives of the International Commission on Zoological Nomenclature.

NOTE 2.

*On the limitation imposed on Opinion 16 by the amendment of Article 25 of the Règles Internationales adopted by the Tenth International Congress of Zoology at Budapest in 1927.*

In 1927, the International Commission on Zoological Nomenclature submitted a recommendation to the Tenth International Congress of Zoology at its meeting held at Budapest that Article 25 of the *Règles Internationales* should be amended by the insertion of the words "prior to 1st January 1930" at the beginning of proviso (a) and by the addition of the following new proviso (c):—

- (c) that no generic name nor specific name published after 31st December 1930 shall have any status of availability (hence also of validity) under the rules, unless and until it is published, either :—
- (1) with a summary of characters (*seu* diagnosis; *seu* definition; *seu* condensed description) which differentiate or distinguish the genus or the species from other genera or species; or
  - (2) with a definite bibliographic reference<sup>93</sup> to such summary of

<sup>91</sup> See paragraph 2 of NOTE 1 to *Opinion* 6 (p. 132 above).

<sup>92</sup> See p. 132 above.

<sup>93</sup> For an explanation of the expression "definite bibliographic reference" as here used in Article 25, see *Opinion* 138 (1942, *Opinions and Declarations rendered by the International Commission on Zoological Nomenclature* 2 : 29-34).

characters (*seu* diagnosis; *seu* definition; *seu* condensed description); and further

- (3) in the case of a generic name, with the definite unambiguous designation of the type species (*seu* genotype; *seu* autogenotype; *seu* orthotype).

2. The above addition to the *Règles Internationales* was approved by the Tenth International Congress of Zoology and came into operation as from midnight 31st December 1930/1st January 1931 (Greenwich Mean Time).

3. As pointed out in NOTE 3 to *Opinion 1*,<sup>94</sup> the effect of the adoption of the foregoing amendment to Article 25 of the *Règles Internationales* was to impose a limitation upon the application of *Opinions* previously rendered by the International Commission on Zoological Nomenclature, interpreting Article 25 of the *Règles*. Every such *Opinion* remained valid and binding, as respects names published on or before 31st December 1930 (the last day prior to the coming into force of the Budapest amendment to Article 25), but, in so far as any such *Opinion* contained an interpretation of that Article at variance with the amended provisions adopted at Budapest, such *Opinion* ceased to be applicable in respect of any name published on or after 1st January 1931 (the date on which the Budapest amendment became operative).

4. The provision (quoted in paragraph 1 above) contained in section (3) of proviso (c) added to Article 25 at Budapest requires that, when a new generic name is published, it must, in order to be available (hence valid), be accompanied by "the definite unambiguous designation of the type species." This provision is much more rigorous than the provision contained in *Opinion 16*, which lays down a special method for use in certain cases for determining whether the type of a genus is to be regarded as having been designated by absolute tautonymy. It follows therefore (as explained in paragraph 3 above) that *Opinion 16* remains valid and binding as respects generic names published in the period from 1st January 1758<sup>95</sup> up to, and including, 31st December 1930, but it is no longer applicable as respects any generic name published after that date. It is for this reason that the words "in relation to a generic name published on, or before, 31st December 1930" have been inserted at the end of the title of *Opinion 16* and a corresponding phrase has been inserted

<sup>94</sup> See pp. 76-78 above.

<sup>95</sup> See NOTE 3 to *Opinion 3* (pp. 98-100 above) for an explanation of the reason for taking 1st January 1758 as the starting point of zoological nomenclature.

towards the end of the first sentence of the "summary" of that *Opinion*.

## NOTE 3.

*Explanation of the method of drafting adopted in the preparation of Opinion 16.*

In the period immediately following the grant by the International Congress of Zoology to the International Commission on Zoological Nomenclature of the power to render *Opinions* interpreting the *Règles Internationales de la Nomenclature Zoologique* (International Code of Zoological Nomenclature) and explaining its application in doubtful cases, the International Commission had no precedents on which to base themselves and it was necessary for them, therefore, to improvise a form of document in which to record their decisions. As was to be expected, some time elapsed before in the light of experience the International Commission came to adopt the standard form for the presentation of their *Opinions*, which in its main features is the same as that in use to-day.

2. In the first phase, which extended only for the period in which *Opinions* 1 to 5 were drafted, each *Opinion* consisted only of a "summary" and was accompanied by no explanatory matter at all. In the second phase, which began with *Opinion* 6, each *Opinion* consisted of three portions: (i) a "summary," which contained the official record of the Commission's decision; (ii) a "statement of the case," which either was prepared by the petitioner or, if the petition was a lengthy document, consisted of a summary of the petition prepared by the Secretary to the Commission or, where the petition had already been published elsewhere, of a brief reference to the published paper; and (iii) a "discussion" of the case. Attached to this "discussion," were paragraphs setting out the Secretary's recommendations to the members of the Commission, the record of the voting and, on occasion, supplementary notes attached by individual Commissioners to their votes.

3. The practice at that time was for a draft *Opinion* to be prepared by the Secretary to the Commission on the foregoing lines for the consideration of Commissioners and for the Secretary, on receiving the requisite number of votes, to add the paragraphs relating to the voting, and then to close the case with a view to its publication as an *Opinion* rendered by the Commission. Where



(as, for example, happened in *Opinions* 12 and 15) minor drafting amendments were suggested by some Commissioner at the time of voting, these were either incorporated by the Secretary in the text of the *Opinion* or, if he did not consider this practicable, were recorded at the end of the *Opinion* as suggestions which had been put forward but which for one reason or another it had not been found possible to accept.

4. The foregoing explanation of the early procedure of the Commission is necessary in order to render *Opinion* 16 intelligible, since, in the absence of such explanation, that *Opinion* would appear to contain a number of mutually contradictory statements. This is due partly to the procedure then in use and partly to the fact that certain changes were introduced into the draft of this *Opinion* in the light of the voting by Commissioners. These changes were made at the point where they were absolutely essential, namely in the "summary," which, as explained in paragraph 2 above, constitutes the official record of the Commission's decision in the case. Unfortunately, however, not all the changes were made in the paragraphs containing the "discussion" of the case, which were needed to make those paragraphs correspond with the "summary" as amended.

5. In order to understand what happened, it is necessary to note :—

- (i) that in the "summary" the two names definitely adopted by the International Commission on Zoological Nomenclature as examples of cases where the type of a genus had been fixed by absolute tautonymy through the citation in synonymy of a pre-1758 tautonymous name which had been clearly published in a univocal specific sense were :—

*Equus* Linnaeus, 1758;

*Alca* Linnaeus, 1758;

- (ii) that, notwithstanding (i) above, both the name *Equus* Linnaeus and the name *Alca* Linnaeus were included in paragraph 22 of *Opinion* 16 in a list of names as regards which it was stated that "their inclusion in this paragraph does not constitute a ruling by this Commission";
- (iii) that, notwithstanding (ii) above, the name *Alca* Linnaeus was included in paragraph 24 of *Opinion* 16 in a short list of names as respects which it was stated that "It is the

opinion of the Commission that the types for the following genera are the species here cited ”;

- (iv) that paragraph 24 of *Opinion* 16 does not contain the name *Equus* Linnaeus, although that name is the first of the two examples definitely adopted by the International Commission to illustrate the operation of the decision enunciated in that *Opinion* (see sub-paragraph (i) above); but
- (v) that paragraph 24 of *Opinion* 16 includes three names (*Mus* Linnaeus, 1758; *Camelus* Linnaeus, 1758; *Chaos* Linnaeus, 1767), which do not figure in the “summary” of the *Opinion* and are therefore not covered by the decision taken by the International Commission in this case;
- (vi) that only one Commissioner (Hoyle) is recorded as having voted in favour of the inclusion in the *Opinion* of decisions relating to particular names.

6. The conclusions to be drawn from the foregoing evidence are:—

- (i) that, as originally drafted, the “summary” either contained no examples or cited as examples the four names enumerated in paragraph 24 (*Mus* Linnaeus; *Camelus* Linnaeus; *Alca* Linnaeus; *Chaos* Linnaeus);
- (ii) that the name *Alca* Linnaeus must have been included in paragraph 22 before it was decided to include it in paragraph 24 and that, through some inadvertence, it was not deleted from paragraph 22 at the time when it was decided to include it in paragraph 24;
- (iii) that, for some reason which it is not now possible to ascertain, the proposals in paragraph 24 relating to the names *Mus* Linnaeus, *Camelus* Linnaeus and *Chaos* Linnaeus did not commend themselves to the members of the International Commission and in consequence were either not inserted in, or were deleted from, the “summary” to this *Opinion* (see sub-paragraph (i) above), but that, through some oversight, these names were not deleted from paragraph 24;

NOTE.—It is possible that the opposition to these proposals—or some of it—came from Commissioner Monticelli, who (as noted in paragraph 26 of *Opinion* 16) only agreed to that *Opinion*, subject to a reservation, the nature of which is not recorded.

- (iv) that, in the light of the votes received from Commissioners,

it was decided to insert the name *Equus* Linnaeus in the "summary," *i.e.*, in the Commission's decision, but that, through some inadvertence, that name was not at the same time deleted from paragraph 22 and inserted in paragraph 24.

7. From the practical point of view, the only point which it is of importance to note is that, notwithstanding the statements made in paragraph 24 of *Opinion* 16, no decision was taken by the International Commission in that *Opinion*, in regard to the type species of the genera *Mus* Linnaeus, 1758, *Camelus* Linnaeus, 1758, and *Chaos* Linnaeus, 1767.<sup>96</sup>

#### NOTE 4.

*The present position as regards the sixty-three generic names enumerated in paragraph 2 of Opinion 16.*

In paragraph 2 of *Opinion* 16, the International Commission on Zoological Nomenclature gave a list of sixty-three Linnean generic names as examples of cases which required study with a view to ascertaining whether the names in question fell within the terms of the decision embodied in that *Opinion*. For this purpose, it was necessary, as the Commission explained in paragraph 20 of that *Opinion*, to ascertain, for each of the names concerned, whether among its synonyms there was a pre-1758 name consisting of a single word which the original author of that name had clearly used as a uninominal (*i.e.* univocal) specific name, in the way (for example) that the word "*Equus*" was used by Gesner as a specific name in the sense of "the horse."

2. *Opinion* 16 was adopted in the period 1908-1910<sup>97</sup> and was published in 1910, *i.e.* three years before the Ninth International Congress of Zoology at its meeting at Monaco in 1913 (i) established the *Official List of Generic Names in Zoology* and (ii) conferred upon the International Commission on Zoological Nomenclature plenary powers to suspend the rules in certain cases.<sup>98</sup>

3. In the period that has elapsed since 1913, thirty-two of the generic names enumerated in paragraph 2 of *Opinion* 16 have been

<sup>96</sup> For further particulars regarding the first two of these names, see NOTE 5, paragraphs 4-9 (*Mus* Linnaeus), paragraphs 10-14 (*Camelus* Linnaeus). For the position as regards *Chaos* Linnaeus, 1767, see NOTE 4, paragraphs 7 and 8.

<sup>97</sup> See paragraph 2 of NOTE 1 above (p. 272).

<sup>98</sup> See *Declaration* 5 (pp. 31-40 above).

placed on the *Official List* and two have been suppressed by the International Commission under their plenary powers.

4. The thirty-two names which have been placed on the *Official List of Generic Names in Zoology* are the following :—

Name of genus	Number on the Official List of Generic Names in Zoology	Opinion by which the name was placed on the Official List
<i>Acipenser</i> Linnaeus, 1758 . . . . .	249	77
<i>Anas</i> Linnaeus, 1758 . . . . .	17	67
<i>Balaena</i> Linnaeus, 1758 . . . . .	224	75
<i>Bos</i> Linnaeus, 1758 . . . . .	225	75
<i>Canis</i> Linnaeus, 1758 . . . . .	390	91
<i>Capra</i> Linnaeus, 1758 . . . . .	391	91
<i>Castor</i> Linnaeus, 1758 . . . . .	226	75
<i>Cervus</i> Linnaeus, 1758 . . . . .	393	91
<i>Chimaera</i> Linnaeus, 1758 . . . . .	251	77
<i>Cyclopterus</i> Linnaeus, 1758 . . . . .	255	77
<i>Delphinus</i> Linnaeus, 1758 . . . . .	227	75
<i>Echeneis</i> Linnaeus, 1758 <sup>99</sup> . . . . .	421	92
<i>Felis</i> Linnaeus, 1758 . . . . .	402	91
<i>Gordius</i> Linnaeus, 1758 . . . . .	8	66
<i>Hippopotamus</i> Linnaeus, 1758 . . . . .	229	75
<i>Hystrix</i> Linnaeus, 1758 . . . . .	230	75
<i>Lepus</i> Linnaeus, 1758 . . . . .	405	91
<i>Mus</i> Linnaeus, 1758 <sup>100</sup> . . . . .	407	91
<i>Ovis</i> Linnaeus, 1758 . . . . .	233	75
<i>Phoca</i> Linnaeus, 1758 . . . . .	234	75
<i>Pulex</i> Linnaeus, 1758 . . . . .	530	104
<i>Sciurus</i> Linnaeus, 1758 . . . . .	417	91
<i>Sepia</i> Linnaeus, 1758 <sup>101</sup> . . . . .	461	94
<i>Silurus</i> Linnaeus, 1758 . . . . .	270	77
<i>Sorex</i> Linnaeus, 1758 . . . . .	418	91
<i>Struthio</i> Linnaeus, 1758 . . . . .	102	67
<i>Sturnus</i> Linnaeus, 1758 . . . . .	104	67
<i>Sus</i> Linnaeus, 1758 . . . . .	235	75
<i>Taenia</i> Linnaeus, 1758 <sup>99</sup> . . . . .	284	84
<i>Talpa</i> Linnaeus, 1758 . . . . .	236	75
<i>Ursus</i> Linnaeus, 1758 . . . . .	237	75
<i>Vespertilio</i> Linnaeus, 1758 . . . . .	419	91

5. In the *Opinions* cited in the last column of the table given in the preceding paragraph, the International Commission on Zoological Nomenclature in every case except two paid due regard to *Opinion* 16 and accordingly accepted as the types of the genera

<sup>99</sup> See paragraph 5 of NOTE 4 below (p. 279).

<sup>100</sup> See paragraph 15 of *Opinion* 16 (p. 266 above) and paragraphs 4–9 of NOTE 5 below (pp. 281–282).

<sup>101</sup> See paragraph 21 of *Opinion* 16 (p. 268 above) and paragraphs 25–28 of NOTE 5 below (p. 286).

concerned the species determined as such. The two exceptions were the names *Echeneis* Linnaeus, 1758, and *Taenia* Linnaeus, 1758. In each of these cases, the International Commission inadvertently failed to realise the relevance of *Opinion* 16 and cited as the type of the genus concerned a species other than that required under rule (d) in Article 30 of the *Règles Internationales* as interpreted by *Opinion* 16. The entries in the *Official List of Generic Names in Zoology* in *Opinion* 92 in regard to the name *Echeneis* Linnaeus, 1758, and in *Opinion* 84 in regard to the name *Taenia* Linnaeus, 1758, are accordingly *ultra vires* and invalid. Particulars of the remedial action proposed to be taken in regard to the name *Echeneis* Linnaeus, 1758, are given in NOTE 6 to the present *Opinion* (pp. 287-297 below). Corresponding particulars in regard to the name *Taenia* Linnaeus, 1758, are given in NOTE 7 (pp. 297-302 below).

6. The two names included in the list given in paragraph 2 of *Opinion* 16 which have since been suppressed by the International Commission under their plenary powers are :—

- (i) *Holothuria* Linnaeus, 1758, suppressed in favour of *Holothuria* Linnaeus, 1767, by *Opinion* 80, by which also *Holothuria* Linnaeus, 1767 (type: *Holothuria tremula* Linnaeus, 1767) was added to the *Official List of Generic Names in Zoology* as Name No. 273;
- (ii) *Simia* Linnaeus, 1758<sup>102</sup> (with the specific name *Simia satyrus* Linnaeus, 1758) suppressed by *Opinion* 114.

7. The twenty-nine names which were included in the list given in paragraph 2 of *Opinion* 16 but which have not since that date been considered by the International Commission on Zoological Nomenclature are :—

<i>Alca</i> Linnaeus, 1758 <sup>103</sup>	<i>Charadrius</i> Linnaeus, 1758 <sup>105</sup>
<i>Camelus</i> Linnaeus, 1758 <sup>104</sup>	<i>Corvus</i> Linnaeus, 1758
<i>Caprimulgus</i> Linnaeus, 1758	<i>Cuculus</i> Linnaeus, 1758
<i>Chaos</i> Linnaeus, 1767	<i>Equus</i> Linnaeus, 1758 <sup>103</sup>
<i>Certhia</i> Linnaeus, 1758	<i>Fringilla</i> Linnaeus, 1758

<sup>102</sup> See paragraph 14 of *Opinion* 16 and paragraphs 2 and 3 of NOTE 5 below (p. 280).

<sup>103</sup> The type of this genus is determined in *Opinion* 16. See the "summary" of *Opinion* 16 and paragraph 5 of NOTE 3 (p. 275 above).

<sup>104</sup> See paragraph 16 of *Opinion* 16 and paragraphs 10-14 of NOTE 5 below (pp. 282-283).

<sup>105</sup> See paragraph 18 of *Opinion* 16 and paragraphs 18-21 of NOTE 5 below (pp. 284-285).

*Fulica* Linnaeus, 1758  
*Gymnotus* Linnaeus, 1758  
*Loxia* Linnaeus, 1758  
*Meleagris* Linnaeus, 1758  
*Merops* Linnaeus, 1758  
*Motacilla* Linnaeus, 1758  
*Otis* Linnaeus, 1758  
*Pavo* Linnaeus, 1758  
*Pelecanus* Linnaeus, 1758  
*Phasianus* Linnaeus, 1758

*Rhinoceros* Linnaeus, 1758  
*Scolopax* Linnaeus, 1758  
*Sterna* Linnaeus, 1758  
*Strix* Linnaeus, 1758<sup>106</sup>  
*Stromateus* Linnaeus, 1758  
*Tetrao* Linnaeus, 1758  
*Tringa* Linnaeus, 1758  
*Upupa* Linnaeus, 1758  
*Vultur* Linnaeus, 1758<sup>107</sup>

8. It is clearly most undesirable that particular cases should be raised but left unsettled in *Opinions* rendered by the International Commission, and it is accordingly proposed that the International Commission should take the earliest practicable opportunity to reach definite decisions (i) as regards the types of each of the genera listed in paragraph 7 above, except the genera *Equus* Linnaeus, 1758, and *Alca* Linnaeus, 1758, the types of which were determined in the "summary" of *Opinion* 16, and (ii) as regards the question of placing these generic names on the *Official List of Generic Names in Zoology*.

## NOTE 5.

*The present position as regards the seven generic names discussed in paragraphs 14-19 and 21 of Opinion 16.*

In paragraphs 14-19 and 21 of *Opinion* 16 there is a discussion regarding seven of the generic names enumerated in the list given in paragraph 2 of that *Opinion*. The notes in the following paragraphs explain the present position in regard to each of these names.

(a) *Simia* Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1: 25.

2. As pointed out in paragraph 6(ii) of NOTE 4 above,<sup>108</sup> the name *Simia* Linnaeus, 1758, was suppressed by the International Commission on Zoological Nomenclature under their plenary powers in *Opinion* 114 published on 8th June 1929.

3. The discussion of this case in paragraph 14 of *Opinion* 16 is, therefore, now of academic interest only.

<sup>106</sup> See paragraph 19 of *Opinion* 16 and paragraphs 22-24 of NOTE 5 below (pp. 285-286).

<sup>107</sup> See paragraph 17 of *Opinion* 16 and paragraphs 15-17 of NOTE 5 below (p. 284).

<sup>108</sup> See p. 279 above.

(b) *Mus* Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1 : 59.

4. In the discussion contained in paragraph 15 of *Opinion* 16 attention is drawn to the fact that, if (as appeared) the circumstances in regard to the name *Mus* Linnaeus, 1758, were such as to bring that name within the scope of that *Opinion*, the type of this genus would be *Mus musculus* Linnaeus, 1758, by absolute tautonymy under rule (d) in Article 30 of the *Règles Internationales*.

5. In the same paragraph of *Opinion* 16, attention was drawn to the effect of the action taken by Rafinesque in 1814 (*Précis Somiol.* : 13; and *Principes Somiol.* : 30) when he proposed the name *Musculus* Rafinesque.<sup>109</sup> The paragraph pointed out that, where a new generic name is substituted for an older generic name and a type is designated (or indicated) for the substitute genus, that species becomes also, under rule (f) in Article 30, the type of the rejected genus.

6. In the present case, the effect of the foregoing rule in Article 30, if taken in isolation, would (as pointed out in paragraph 15 of *Opinion* 16) be to make *Mus musculus* Linnaeus, 1758 (the type of *Musculus* Rafinesque, 1814) the type also of *Mus* Linnaeus, 1758. It is of the first importance, however, to recall at this stage that it would be incorrect to read the rules contained in Article 30 independently of one another, since that Article is so drafted as to provide a series of alternatives in a descending order of priority. Thus, rule (f) of Article 30 only becomes operative in any given case if none of the rules lettered (a) to (e) is applicable to that case.<sup>110</sup>

7. It will be noted, therefore, that, while the argument regarding the type of *Mus* Linnaeus, 1758, given in paragraph 15 of *Opinion* 16 would be relevant and important if it could be shown that that genus was without a validly fixed type at the time when in 1814 Rafinesque published the name *Musculus*, that argument would be wholly irrelevant if, prior to Rafinesque's erection of *Musculus*, a type had been validly fixed for the genus *Mus* Linnaeus. Thus, the question whether rule (f) in Article 30 applies to *Mus* Linnaeus

<sup>109</sup> It should be noted that *Musculus* Rafinesque, 1814, is invalid, since it is a homonym of *Musculus* Bolten, 1798, *Mus. Bolten.* 2 : 156. The validity of the *Museum Boltenianum* is the subject of a ruling by the International Commission in *Opinion* 96 (published on 8th October 1926).

<sup>110</sup> The process to be followed in applying Article 30 of the International Code to any given case is well illustrated in the late Commissioner Stejneger's exposition of the case of *Alca* Linnaeus, 1758, in the third paragraph of the "statement of the case" which he submitted in connection with *Opinion* 16 and which is quoted in paragraph 1 of that *Opinion* (see p. 258 above).

cannot arise until a decision is reached on the question whether the prior rule (d) in that Article applies to that generic name.

8. For the reasons explained in NOTE 3 above,<sup>111</sup> paragraph 24 of *Opinion* 16 was not adopted by the Commission and accordingly nothing in that paragraph affects the status of the name *Mus* Linnaeus, 1758.

9. The generic name *Mus* Linnaeus, 1758 (type: *Mus musculus* Linnaeus, 1758) was placed on the *Official List of Generic Names in Zoology* by *Opinion* 91 as Name No. 407.<sup>112</sup> In taking this decision, the Commission accepted the view that the type of this genus was fixed by absolute tautonymy in accordance with the principle laid down in *Opinion* 16.

(c) *Camelus* Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1 : 65.

10. The argument in regard to the name *Camelus* Linnaeus, 1758, set out in paragraph 16 of *Opinion* 16 is misconceived, since it rests upon two errors on questions of fact. First, the proposal submitted by Commissioner Stejneger in the case dealt with in *Opinion* 16 relates—and could only relate—to the class of case where a tautonymous pre-1758 uninominal (univerbal) specific name (in this case, the name “*Camelus*”) was cited in the synonymy of one—and only one—of the species originally included in the genus. A genus can only have one species as its type and in consequence rule (d) in Article 30 (like the other rules in that Article) can only operate where one—and one only—of the originally included species has, either as its valid name or as a synonym (either of the nominotypical or other subspecies), a name consisting of the same word as the generic name.<sup>113</sup>

11. In the present case, the tautonymous pre-1758 uninominal specific name “*Camelus*” is included among the synonyms of two of the four species included by Linnaeus in the genus *Camelus* Linnaeus, 1758, namely:—

(i) “*Camelus*” Jonstonus, *Hist. nat. Quadrup.* (“Jonst.

<sup>111</sup> See pp. 274–277 above.

<sup>112</sup> See paragraph 4 of NOTE 4 above (p. 278).

<sup>113</sup> It should be noted that in *Opinion* 18 (as modified by the amendment to Article 25 adopted by the Tenth International Congress of Zoology at Budapest in 1927) it is laid down that, as respects generic names published on, or before, 31st December 1930, it is not necessary for the purposes of rule (d) in Article 30 that the tautonymous synonym of an included species should actually be cited by the author of the genus when publishing the generic name. It is sufficient that at that date one of the included species should possess such a synonym.



quadr. t. 41"), with references also to Gesner ("Gesn. quadr. 159") and Aldrovandi ("Aldr. bis. 908") is cited as a synonym of *Camelus dromedarius* Linnaeus, 1758.

- (ii) "*Camelus*" Gesner, *Hist. Anim.* 1 (Quadrup.) ("Gesn. quadr. 1.44.f.1") with a reference to Aldrovandi ("Aldr. bis. 907") is cited as a synonym of *Camelus bactrianus* Linnaeus, 1758.

12. It will be seen, therefore, that, for the reason explained in paragraph 10 above, the principle laid down in *Opinion 16* could not in any circumstances apply to the name *Camelus* Linnaeus, 1758, since the conditions precedent to the application of that *Opinion* to a generic name are lacking in this instance. It is for this reason that the argument in regard to the type of *Camelus* Linnaeus set out in paragraph 16 of *Opinion 16* is misconceived, and, in consequence, so also are the conclusions there drawn from that argument. In these circumstances, it is not necessary to examine in detail the second of the errors of fact involved in paragraph 16 of *Opinion 16*, beyond observing that it derives directly from the first error in that it assumes that, for the purpose of fixing the type of the genus *Camelus* Linnaeus, it may be assumed that that genus contained only two species, whereas, in fact, it contained four species, namely the two species referred to in paragraph 11 above and *Camelus glama* Linnaeus and *Camelus pacos* Linnaeus. If *Camelus* Linnaeus had contained only two species, the argument in paragraph 16 of *Opinion 16* drawn from *Opinion 6* would have been correct, but, as *Camelus* Linnaeus contained more than two species, *Opinion 6* has no application to it.<sup>114</sup>

13. For the reasons explained in NOTE 3 above,<sup>115</sup> the portion of paragraph 24 of *Opinion 16* relating to *Camelus* Linnaeus was not adopted by the Commission and accordingly nothing in that paragraph affects the status of that generic name.

14. The name *Camelus* Linnaeus has not been considered by the International Commission since *Opinion 16* was adopted, but in view of the fact that the status of that name was discussed, though not decided, in that *Opinion*, it is proposed that the Commission should take the earliest practicable opportunity of reaching a definite decision in regard to this name.<sup>116</sup>

<sup>114</sup> See NOTE 3 to *Opinion 6* (pp. 134-135 above).

<sup>115</sup> See pp. 274-277 above.

<sup>116</sup> See paragraphs 7 and 8 of NOTE 4 above (pp. 279-280).

(d) *Vultur* Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1 : 86.

15. In paragraph 2 of *Opinion* 16 attention was drawn to the fact that, if the circumstances in regard to the name *Vultur* Linnaeus, 1758, were such as to bring that name within the scope of that *Opinion*, the type of this genus would be *Vultur papa* Linnaeus, 1758, through the citation by Linnaeus in 1758 of the tautonymous pre-1758 uninominal specific name "*Vultur*" ("*Alb. av. 2. p. 4. t. 4*") in the synonymy of that species. In paragraph 17 of the same *Opinion* grounds were advanced in favour of the view that the name *Vultur* Linnaeus did not fall within the scope of the decision embodied in *Opinion* 16.

16. In the latest catalogue (Peters, 1931, *Check-List Birds World* 1 : 189) support is given to the view expressed in *Opinion* 16, since the species there accepted as the type of *Vultur* Linnaeus is *Vultur gryphus* Linnaeus, 1758 (so designated by Allen, 1907, *Bull. Amer. Mus. nat. Hist.* 24 : 11) and not *Vultur papa* Linnaeus, 1758, which is accepted by Peters as the type of *Sarcoramphus* Duméril, 1806, *Zool. anal.* : 32.

17. No consideration has been given to this question by the International Commission since the publication of *Opinion* 16 and, in order to clear the matter up finally, it is proposed that the Commission should take the earliest practicable opportunity of reaching a definite decision regarding the type of this genus.<sup>116</sup>

(e) *Charadrius* Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1 : 150.

18. In paragraph 2 of *Opinion* 16 attention was drawn to the fact that if the circumstances in regard to the name *Charadrius* Linnaeus, 1758, were such as to bring that name within the scope of that *Opinion*, the type of this genus would be either *Charadrius hiaticula* Linnaeus, 1758 (because Linnaeus cited "*Charadrius s. Hiaticula*," attributed to Aldrovandi, Jonstonus, etc., among the synonyms of that species) or *Charadrius oediconemus* Linnaeus (because Linnaeus cited "*Charadrius*" Gesner among the synonyms of that species). In paragraph 18 of *Opinion* 16 certain arguments were advanced against the acceptance of *C. oediconemus* Linnaeus as the type of *Charadrius* Linnaeus.

19. The above argument is identical with that advanced in paragraph 16 of *Opinion* 16<sup>117</sup> in regard to the type of the genus

<sup>117</sup> For the text of paragraph 16 of *Opinion* 16, see page 266 above. The fallacy in the argument contained in that paragraph is discussed in paragraphs 10-13 of the present NOTE (pp. 282-283 above).

*Camelus* Linnaeus, and is based therefore on the same fallacy, namely that more than one species can be the type of a genus by absolute tautonymy or rather that, if a genus is published with three or more species and no designated type and if two of the species have trivial names that are tautonymous with the generic name, then one or other of those species must be the type, the other species placed in the genus by its original author being ineligible for selection as the type under rule (g) in Article 30.

20. The position is, therefore, that the circumstances in regard to the name *Charadrius* Linnaeus are not such as to bring that name within the scope of the decision embodied in *Opinion* 16. That *Opinion* has, therefore, no bearing upon the status of this name.

21. No consideration has been given by the International Commission to the question of the type of this genus since the publication of *Opinion* 16 and, in order to clear up the matter finally, it is proposed that the Commission should take the earliest practicable opportunity of reaching a definite decision on this question.<sup>118</sup>

(f) *Strix* Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1 : 92.

22. In paragraph 2 of *Opinion* 16 attention was drawn to the fact that, if the circumstances in regard to the name *Strix* Linnaeus, 1758, were such as to bring that name within the scope of that *Opinion*, the type of this genus would be *Strix stridula* Linnaeus, 1758, because Linnaeus cited "*Strix*" Aldrovandi ("Aldr. ornith. 561. t. 563"), etc., in the synonymy of that species. In paragraph 19 of *Opinion* 16, the view was advanced that the above species had become the type of *Strix* Linnaeus, 1758, through certain action taken by Brisson in 1760. This argument resembles that advanced in regard to the name *Mus* Linnaeus in paragraph 15 of *Opinion* 16,<sup>119</sup> since it also involves the fallacy that action taken by a subsequent author has or can have some bearing on the question of the type of a genus before it has been definitely established whether the type of that genus was either designated by its original author (under rules (a) or (b) in Article 30 of the *Règles Internationales*) or fixed by monotypy (rule (c)) or by absolute tautonymy (rule (d)). Thus, nothing

<sup>118</sup> See paragraphs 7 and 8 of NOTE 4 above (pp. 279-280).

<sup>119</sup> For the text of paragraph 15 of *Opinion* 16, see page 266 above. The fallacy in the argument used in that paragraph is discussed in paragraphs 4-9 of the present NOTE (pp. 281-282 above).

that may have been done by Brisson in 1760 can have any bearing upon what Linnaeus may have done as regards this name in 1758.

23. The position is, therefore, that it remains to be decided whether the citation of "*Strix*" Aldrovandi by Linnaeus as one of the synonyms of *Strix stridula* Linnaeus does or does not bring the name *Strix* Linnaeus within the scope of *Opinion* 16.

24. No consideration has been given by the International Commission to the question of the type of this genus since the publication of *Opinion* 16 and, in order to clear up the matter finally, it is proposed that the Commission should take the earliest practicable opportunity of reaching a definite decision on this question.<sup>120</sup>

(g) *Sepia* Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1 : 658.

25. The rule propounded by Linnaeus as Rule No. 246 quoted in paragraph 5 of *Opinion* 16<sup>121</sup> is included in the International Code as item (h) in Article 30, the text of which reads as follows :—

(h) In case of Linnean genera, select as type the most common or the medicinal species (Linnean rule, 1751).

26. It must be noted that, although the above provision is lettered consecutively with the "rules" set out in Article 30, it is not, in fact, a "rule," but is one of the "Recommendations" attached to Article 30. Compliance with it is therefore purely optional.

27. The reference in paragraph 21 of *Opinion* 16<sup>122</sup> to this so-called "rule" in connection with the name *Sepia* Linnaeus was intended to be illustrative only, for the Commission made it clear (in the second sentence of that paragraph) that they were not then taking any decision regarding the type of this genus.

28. The generic name *Sepia* Linnaeus, 1758 (type: *Sepia officinalis* Linnaeus, 1758) was placed on the *Official List of Generic Names in Zoology* by *Opinion* 94 as Name No. 461. In taking this decision, the Commission accepted the view that the type of this genus was fixed by absolute tautonymy in accordance with the principle laid down in *Opinion* 16.

<sup>120</sup> See paragraphs 7 and 8 of NOTE 4 above (pp. 279–280).

<sup>121</sup> See p. 263 above.

<sup>122</sup> See p. 268 above.

## NOTE 6.

*On an error, due to the non-observance of the provisions of Opinion 16, contained in the portion of Opinion 92, in which the name Echeneis Linnaeus, 1758 (Class Pisces), was placed on the Official List of Generic Names in Zoology, and on the remedial action proposed.*

In *Opinion 16*, the International Commission on Zoological Nomenclature laid it down that, where an author, in publishing a new generic name,<sup>123</sup> cites in the synonymy of one of the included species a name published prior to 1758 which is clearly a uninomial (*i.e.* univocal) specific name and which consists of the same word as the new generic name, the species for which such pre-1758 name is cited as a synonym is to be treated as being automatically the type of the new genus by absolute tautonymy under the provisions of rule (d) in Article 30<sup>124</sup> of the *Règles Internationales*.

2. In paragraph 2 of *Opinion 16*,<sup>125</sup> the International Commission gave a list of 63 generic names, the type of each of which appeared to have been fixed in the manner described above at the time when the names in question were severally published. One of the names included in the list given in paragraph 2 of *Opinion 16* was *Echeneis* Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1 : 260.

3. When the genus *Echeneis* was established in 1758, Linnaeus placed in it two species only, namely : (1) *Echeneis remora* Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1 : 260; and (2) *Echeneis naucrates* (emendation of *neucrates*<sup>126</sup>) Linnaeus, 1758, *ibid.* 1 : 261.

<sup>123</sup> As explained in NOTE 2 above (pp. 272-274), a limitation was imposed upon *Opinion 16* by the amendment to Article 25 of the *Règles Internationales* adopted by the Tenth International Congress of Zoology at Budapest in 1927. In consequence, the provisions of *Opinion 16* now apply only to names published on, or before, 31st December 1930, the last day prior to the coming into operation of the Budapest amendment to Article 25.

<sup>124</sup> It should be recalled that the rules in Article 30 operate only in succession to one another. Accordingly, rule (d) is only operative, where the type of a genus has not already been fixed either under rule (a) or under rule (b) or under rule (c). Thus, *Opinion 16* has no bearing upon the types of genera, where those types have been fixed under rules (a), (b) or (c) of Article 30.

<sup>125</sup> See pp. 258-261 above.

<sup>126</sup> The trivial name of this species was printed as "*neucrates*" in 1758 in the 10th edition of the *Systema Naturae* of Linnaeus. The spelling of this name has been correctly emended to "*naucrates*" by subsequent authors in accordance with the provisions of Article 19 of the *Règles Internationales*, which reads as follows : "L'orthographe originelle d'un nom doit être conservée, à moins qu'il ne soit évident que ce nom renferme une faute de transcription, d'orthographe ou d'impression." See NOTE 2 to *Opinion 8* (pp. 152-155 above) for a discussion of Article 19 of the *Règles Internationales*.

4. Linnaeus made four entries in the synonymy of the species *Echeneis remora* Linnaeus, 1758, the third of which was: "*Gron. mus.* I. n. 33. Echeneis." In this way Linnaeus signified that the species to which he applied the name *Echeneis remora* was the same species as that to which in 1754 Laurentius Theodorus Gronovius had referred under the name "Echeneis" in the first volume of his *Museum Ichthyologicum*. In these circumstances, the type of the genus *Echeneis* Linnaeus, 1758, is fixed automatically by *Opinion* 16, as *Echeneis remora* Linnaeus, 1758, since all the conditions laid down in that *Opinion* for the citation in synonymy of a tautonymous pre-1758 uninomial specific name are satisfied in this case. The position is, therefore, that *Echeneis remora* Linnaeus, 1758, is the type of the genus *Echeneis* Linnaeus, 1758, by absolute tautonymy under rule (d) in Article 30, as interpreted by *Opinion* 16.

5. In August 1924 Dr. C. W. Stiles, Secretary to the International Commission, issued a circular letter (C.L. 86) to all members of the Commission, in which, after referring to the proposals for the addition of a large number of names to the *Official List of Generic Names in Zoology* submitted by Commissioner Karl Apstein in 1915,<sup>127</sup> he gave particulars of the names of certain genera belonging to the Classes Amphibia, Reptilia, and Pisces, which had been included in the Apstein List and recently been re-studied by various specialists, who had reported that the names in question were valid,<sup>128</sup> that the type species had been correctly fixed in accordance with the provisions of the *Règles Internationales* and, therefore, that these names could properly be placed on the *Official List of Generic Names in Zoology*, without the use by the International Commission of their plenary powers.<sup>129</sup> The specialist by whom the names of genera belonging to the Class Pisces included in Dr. Stiles's list were stated to have been re-studied was Dr. David Starr Jordan, who was himself at that time

<sup>127</sup> The list submitted by Commissioner Karl Apstein formed the subject of discussion in the Commission's *Opinion* 74 (published in 1922 in *Smithson. misc. Coll.* 73 (No. 1) : 32-34), the "summary" of which reads as follows:—"The Commission has no power to adopt *en bloc* Apstein's list of proposed *Nomina Conservanda*, but is prepared to consider names separately upon presentation of reasonably complete evidence."

<sup>128</sup> The use of the expression "valid" in this connection is incorrect. A name is either "available" or "unavailable" under the *Règles Internationales*. The question whether an "available name" is also a "valid name" is a taxonomic, and not a nomenclatorial, question.

<sup>129</sup> For the terms of the Resolution conferring plenary powers upon the International Commission on Zoological Nomenclature to suspend the rules in certain cases, see *Declaration* 5 (pp. 31-40 above).

a member of the International Commission. Dr. Stiles added that, in view of the favourable reports received from the specialists consulted, he recommended that the generic names in question should be added to the *Official List of Generic Names in Zoology* with the type species indicated in his circular letter. In due course, nine members of the International Commission signified their concurrence in Dr. Stiles's proposals, which were thereupon adopted (by 10 votes to nil, with 7 abstentions) as *Opinion 92* of the International Commission. This *Opinion* was published in October 1926.<sup>130</sup>

6. One of the names placed on the *Official List of Generic Names in Zoology* by *Opinion 92* was *Echeneis* Linnaeus, 1758. The entry relating to this generic name in *Opinion 92* reads as follows: "*Echeneis* Linn., 1758a, 260, type *E. naucrates* Linn., 1758a, 261."

7. No particulars were given in *Opinion 92* regarding the manner in which the types of the genera there enumerated had been determined (*i.e.* whether by original designation, monotypy, absolute tautonymy, or subsequent selection). In the case of the names of genera belonging to the Class Pisces, there is, however, the following note in the circular letter referred to in paragraph 5 above: "For data by Dr. Jordan see THE GENERA OF FISHES, Jordan and Evermann, 1917a." Reference to the above work (Jordan & Evermann, 1917, *Genera Fishes* (1) : 12) shows that the name *Echeneis* Linnaeus was there dealt with as follows:—

*Echeneis* Linnaeus, 260, after Artedi; type ECHENEIS NAUCRATES L. (misprinted NEUCRATES).

First restriction by Gill, *Proc. Acad. Nat. Sci. Phila.*, 1862, 239. In 1864, *loc. cit.* 60, Gill proposed to adopt as type ECHENEIS REMORA, this being the only species noted by Artedi, and in Linnaeus's earlier writings. But as Linnaeus referred both species to ECHENEIS, this change seems not warranted.

8. The points which it is important to note are the following:—

(i) In 1917, Jordan and Evermann:—

- (a) gave no consideration to the question of the applicability of *Opinion 16* to the generic name *Echeneis* Linnaeus, 1758, notwithstanding the fact that in *Opinion 16* the International Commission on Zoological Nomenclature had indicated that there were *prima facie* grounds for considering that *Echeneis remora* Linnaeus, 1758, was the type of that genus by absolute tautonymy;

<sup>130</sup> *Opinion 92* was published in 1926, *Smithson. misc. Coll.* **73** (No. 4) : 3-4.

- (b) disregarded the action of Gill (1864) in selecting *Echeneis remora* Linnaeus, 1758, as the type of *Echeneis* Linnaeus, 1758; and
  - (c) adopted *Echeneis naucrates*<sup>131</sup> Linnaeus, 1758, as the type of *Echeneis* Linnaeus, 1758.
- (ii) When in the period 1924-1926 the question of placing the name *Echeneis* Linnaeus, 1758, upon the *Official List of Generic Names in Zoology* was under consideration, the conclusions reached by Jordan and Evermann in 1917 were not re-examined by the International Commission. In consequence, no consideration was given to the question whether the provisions of *Opinion 16* applied to the generic name *Echeneis* Linnaeus, 1758, and, therefore, whether under the *Règles Internationales* the type of this genus was *Echeneis remora* Linnaeus, 1758, and not *Echeneis naucrates*<sup>131</sup> Linnaeus, 1758, as concluded by Jordan and Evermann in 1917.

9. It is most unfortunate that the question of the applicability of *Opinion 16* to *Echeneis* Linnaeus, 1758, was not considered by the International Commission at the time when *Opinion 92* was in preparation, since the failure to do so has had the result that in that *Opinion* the International Commission, when placing the name *Echeneis* Linnaeus, 1758, on the *Official List of Generic Names in Zoology*, erroneously stated that the type of that genus was *Echeneis naucrates*<sup>131</sup> Linnaeus, 1758, whereas, in fact (as shown in paragraph 4 above), *Echeneis remora* Linnaeus, 1758, is the type of that genus by absolute tautonymy under rule (d) in Article 30 as interpreted by *Opinion 16*.

10. The decisions embodied in *Opinion 92* were not taken by the International Commission under their plenary powers,<sup>132</sup> and in consequence nothing in that *Opinion* can have the effect of inserting in the *Official List of Generic Names in Zoology* an entry which is contrary to the provisions of the *Règles Internationales*. Accordingly, the portion of *Opinion 92* which states that *Echeneis naucrates*<sup>131</sup> Linnaeus, 1758, is the type of *Echeneis* Linnaeus, 1758, is *ultra vires* and therefore invalid.

11. It is clearly essential that, when, as on the present occasion, an error on a question of fact is detected in an *Opinion* rendered by the International Commission, the earliest possible opportunity

<sup>131</sup> See footnote 126.

<sup>132</sup> See footnote 129.



should be taken to rectify the error so detected. In the present case there are two courses of action, either of which it is open to the International Commission to take, namely :—

- (1) to render an *Opinion* cancelling the entry in *Opinion* 92 relating to the generic name *Echeneis* Linnaeus, 1758, and substituting therefor an amended entry placing that name on the *Official List of Generic Names in Zoology* with *Echeneis remora* Linnaeus, 1758, as type by absolute tautonymy under rule (d) in Article 30 of the *Règles Internationales*, as interpreted by *Opinion* 16 ;

OR

- (2) to render an *Opinion* under the Commission's plenary powers <sup>133</sup> (a) cancelling the designation of *Echeneis remora* Linnaeus, 1758, as the type of *Echeneis* Linnaeus, 1758, and (b) specifying *Echeneis naucrates* <sup>134</sup> Linnaeus, 1758, as the type of that genus.

12. Course (1) above is clearly the proper course to adopt, unless it can be shown that the strict application of the *Règles Internationales* in the case of the name *Echeneis* Linnaeus, 1758, will clearly result in greater confusion than uniformity, in which event Course (2) would be the proper course to follow. Only specialists in the Class Pisces are in a position to furnish the International Commission with the material necessary to enable them to form a conclusion on the question whether confusion rather than uniformity would clearly result from the strict application of the *Règles* in this case through the acceptance of *Echeneis remora* Linnaeus, 1758, as the type of the genus *Echeneis* Linnaeus, 1758, and therefore whether or not the *Règles* should be suspended in this case in order to validate existing practice by specifying *Echeneis naucrates* <sup>134</sup> Linnaeus, 1758, as type of this genus.

13. It was in 1944 that I first discovered the mistake in *Opinion* 92 in regard to the type of the genus *Echeneis* Linnaeus, 1758, while I was engaged in an examination of the subsequent history of the numerous generic names, of which the status is discussed in *Opinion* 16 but on which no decision was taken in that *Opinion*. On making this discovery, I thought it well to obtain preliminary advice from leading ichthyologists on the question whether this was a case in which the *Règles* should be allowed to take their course and existing practice should be set aside through the

<sup>133</sup> See footnote 129.

<sup>134</sup> See footnote 126.

recognition of *Echeneis remora* Linnaeus, 1758, as the type of the genus *Echeneis* Linnaeus, 1758, or whether, in the view of the specialists consulted, the prospect of confusion arising from the adoption of that course was such as to justify the use by the International Commission of their plenary powers for the purpose of designating *Echeneis naucrates* Linnaeus, 1758, as the type of the genus *Echeneis* Linnaeus, 1758. In putting the case before the specialists concerned, I drew attention also to the fact according to the latest Nomenclator (Neave, 1940, *Nomencl. zool.* 4 : 21) the name *Remora* Gill, 1862, *Proc. Acad. nat. Sci. Philad.* 1862 : 239 (the name of the genus to which the species *Echeneis remora* Linnaeus, 1758, is commonly referred) is a homonym (1) of *Remora* Gouan, 1770, *Hist. Pisc.* 10, 183, and (2) of *Remora* Forster, 1771, *Cat. Anim. N. Amer.* : 20. I accordingly asked the specialists concerned, when replying to the main question which I had put to them, to indicate also their views on the question whether the name *Remora* Gill, 1862, was an available name or whether it was, as then appeared probable, an invalid homonym under Article 34 of the *Règles Internationales*.

14. The following are the replies received from the three specialists consulted :—

- (a) *Views of Dr. Ethelwynn Trewavas, Department of Zoology, British Museum (Natural History), London*  
(letter dated 24th October 1944)

Unfortunately, the library being evacuated, I cannot go into the *Echeneis-Remora* question as I should. But I think it is right to say that the use now of *Echeneis remora* Linnaeus, 1758, as the type of *Echeneis* Linnaeus, 1758, would cause confusion.

*Remora* Gill, 1862,<sup>135</sup> is not a homonym, as, according to the writers whom I have consulted, the first two authors listed by Neave in his *Nomenclator zoologicus* (Gouan, 1770, and Forster, 1771) used it in the same sense as have later authors, *i.e.* with *Echeneis remora* Linnaeus as type by absolute tautonymy. If it is possible, I hope that a decision may be postponed until the library is available again, as I have not been able to consult either Gouan or Forster.

<sup>135</sup> The volume of the *Proc. Acad. nat. Sci. Philad.* in which the name *Remora* Gill was published has no volume number. It is the volume for the year 1862 and should therefore be cited as *Proc. Acad. nat. Sci. Philad.* 1862. It was published in Parts, like similar journals, and the dates of publication of the several Parts are given at the foot of the page on each signature. The signature in which the name *Remora* Gill appears is dated "April 1862." The title page of the volume was published after the close of 1862 and is dated "1863." This is no doubt the reason why the name *Remora* Gill is inadvertently treated in the latest Nomenclator (Neave 1940, *Nomencl. zool.* 4 : 21) as having been published in 1863.

(b) *Views of Dr. C. M. Breder, Jr., Department of Fishes, American Museum of Natural History, New York*  
(letter dated 29th November 1944)

I have studied your statement concerning the status of the type of the genus *Echeneis* Linnaeus, 1758. In cases of this sort which involve the inversion of established generic names I believe that true "confusion" as opposed to mere "inconvenience" is the inevitable resultant effect. Consequently I recommend that the appropriate action be taken to firmly establish *Echeneis naucrates* Linnaeus, 1758, as the type of *Echeneis* Linnaeus.

Due to the press of other matters I have not been able to look up Gill, 1862, but I do not believe that any treatment of his would change my view concerning the inadvisability of permitting *Echeneis remora* Linnaeus, 1758, to become properly established as the type of *Echeneis*.

(c) *Views of Dr. Leonard P. Schultz, Dr. Samuel F. Hildebrand and Dr. Robert R. Miller, United States National Museum, Washington, D.C.*

(letter from Dr. Leonard P. Schultz dated 1st December 1944)

Your letter of November 16th concerning the genera *Echeneis* and *Remora* arrived on the 29th, and, after considerable investigation, I have come to certain conclusions which are explained below.

*Echeneis* Linnaeus, 1758, has two species listed in the following order: (1) *E. remora*, and (2) *E. neucrates*.<sup>136</sup> After, 1758, *E. remora* was listed by very numerous authors and the vernacular name—*Remora*—was used many times both for *E. remora* and *E. neucrates* and, no doubt, for other species of this group of fishes.

The next question is when was the genus *Remora* established and the genus *Echeneis* first restricted?

Neave (*Nomenclator Zoologicus*, vol. 4, p. 21, 1940) cites *Remora* Gouan, 1770 (*Hist. Pisc.*, p. 10, [107], 183) but, in looking this up, I find that the left-hand page 183 is in Latin and the generic name *Echeneis* is used, whereas the right-hand page (also numbered 183) is the French translation of the opposite page 183 and the name used is "Le Remora." No species is cited anywhere. Thus, in my opinion, "*Remora*" was not used generically in 1770.

Forster, 1771, *A Catalogue of the Animals of North America* . . . (reprint of 1882 examined by me) has three columns throughout. The column on the left-hand side of each page gives a common name preceded by a Roman number and on page 6 this series of numbers has over it the name "Genus." The second column also contains common or vernacular names, breaking down further the common name in the left-hand column. The third column usually (but not always) contains a Latin binomial name, as for example:—

XIV.	Cod	**	Jugular
		Common	ib.
		Frost	<i>Gadus callarias</i> Mus. Bl.
		Tau	<i>Gadus</i> Tau
XVIII.	Remora	***	Thoracic
		Remora	<i>Ech. neucrates</i> C.II. 26

Thus, I conclude that *Remora* is not used in the binomial sense but only as a common name by Forster, 1771 and 1882.

<sup>136</sup> See footnote 126.

I have searched the literature and can find no generic use of *Remora* previous to that of Gill (April 1862, *Proc. Acad. Nat. Sci. Philadelphia*, p. 239). Gill revised the "family of Echeineidoidae," giving a key to the various genera, some new, citing the genotype for each, as, for example, in my reprint of his article:—

*Echeneis* <sup>137</sup> (*E. naucrates* L.)

*Remora* <sup>138</sup> (*E. remora* L.)

Thus Gill, 1862, not only established the genus *Remora*, but also restricted the genus *Echeneis* L. to the species *E. naucrates* L. Further, he was the first reviser and, in addition, his genus *Remora* has but a single species cited,<sup>137</sup> that is, *E. remora* L., which is tautotypic for *Remora*.

The next binomial use of *Remora* appears to be that of Bleeker (September 1863, *Onzième Notice sur la Faune Ichthyologique de l'Île de Ternate*). On page 9 of my reprint the name is used as "279. *Remora albescens* Gill = *Echeneis albescens* Schl."

Gill (March 1864,<sup>139</sup> *Proc. Acad. Nat. Sci. Philadelphia*, pp. 59–60) reversed himself in regard to the genotypes of both *Echeneis* and *Remora* when he published the following:—

Elevating these types with others to independent generic rank, I have restricted *Echeneis* to the genus typified by *E. naucrates* and called that one typified by *E. remora*, *Remora*, which name Dr. Bleeker has since accepted. On examining the works of Linnaeus and Artdedi, I find, however, that *E. remora* was the only species referred to that genus by Linnaeus in the earlier editions of the *Systema Naturae*, and by Artdedi; and that in the later editions, Linnaeus placed that species at the head of the genus. The *E. remora* must consequently be regarded as the type of the genus, and a new name (*Leptecheneis*) conferred on *E. naucrates*. The genera of Echeineidoidae will then be known by the following names:

<sup>137</sup> (a) Gill's action here described fulfils all the conditions laid down in *Opinion 6* (pp. 127–138 above). Accordingly, if no type had previously been designated or selected for the genus *Echeneis* Linnaeus, 1758, Gill's action on this occasion would constitute a valid selection of *Echeneis naucrates* (emend. of *neucrates*) Linnaeus, 1758, as the type of the genus *Echeneis* Linnaeus.

(b) Although the name *Remora* was published by Gill in 1862 without a description or definition, it is a nomenclatorially available name, since the genus is monotypical and the name *Remora* Gill, 1862, was, therefore, published with an "indication" (as defined by *Opinion 1* (see pp. 73–86 above)) and accordingly satisfies the requirements of Article 25 of the *Règles Internationales*.

<sup>138</sup> As Gill designated *Echeneis remora* Linnaeus, 1758, as the type of the genus *Remora* Gill, 1862, that species is automatically the type of that genus under rule (a) in Article 30 of the *Règles Internationales*. The specific trivial name (*remora*) is the same word as that which constitutes the name of the genus (*Remora*), and this fact would make that species the type of *Remora* Gill by absolute tautonymy under rule (d) of Article 30, if the type of that genus had not previously been fixed in some other manner. In this connection, it must be recalled that the rules set out in Article 30 are not rules which operate independently of one another but on the contrary are rules which operate only in succession to one another in a diminishing order of priority. Accordingly, in the present case, the type of the genus *Remora* Gill, 1862, is *Echeneis remora* Linnaeus, 1758, through the operation of rule (a) in Article 30 (type by original designation). In these circumstances, the later rule (d) in the same Article has no applicability to the generic name *Remora* Gill, 1862.

<sup>139</sup> This volume of the *Proc. Acad. nat. Sci. Philad.* was issued without a volume number and with the dates of publication of the several Parts printed at the foot of each signature in the same way as the volume for 1862 discussed in footnote 135.

## REMORAE

*Echeneis remora* L.

1. *Echeneis* L., *Art.* Type, *Echeneis remora* L.<sup>140</sup>
2. *Remoropsis* Gill. Type, *Echeneis brachyptera* Lowe.
3. *Rhombochirus* Gill. Type, *Echeneis osteochir* Cuv.
4. *Remilegia* Gill. Type, *Echeneis australis* Bennett = *Echeneis scutata* Günther.

## LEPTECHENEIDES

5. *Leptecheneis* Gill. Type, *Echeneis neucrates* L.
6. *Phtheirichthys* Gill. Type, *Echeneis lineatus* Menzies.

The current use of the two genera is almost universal among present-day ichthyologists, most of whom have completely ignored *Opinion* 16 and have followed Gill and *Opinion* 92. Listed below are a few works of importance that recognize both genera (*Echeneis* and *Remora*) with the genotypes as given :

Jordan, Evermann, and Clark, Check List of Fishes—North America—, Rept. U.S. Comm. Fish., 1928, Pt. 2, p. 448, 1930 (*Echeneis* L., type *E. naucrates*<sup>141</sup> L.); (*Remora* Forster, type *E. remora* L.)

Meek and Hildebrand, Marine Fishes of Panama, vol. 3, p. 896, 1928 (*Echeneis* L., type *E. naucrates*<sup>141</sup> L.); (*Remora* Forster, type *E. remora* L.)

Fowler, Marine Fishes of West Africa, vol. 2, pp. 1018, 1021, 1936 (*Remora* Forster, type *E. remora* L.); (*Echeneis* L. type *E. neucrates*<sup>141</sup> L.)

Schultz, U.S. Nat. Mus. Bull. 180, pp. 259, 260, 1943 (*Echeneis* L., type *E. naucrates*<sup>141</sup> L.); (*Remora* Forster, type *E. remora* L.)

L. S. Berg (Classification of Fishes both Recent and Fossil, *Travaux Inst. Zool. Acad. Sci. URSS*, vol. 5, Pt. 2, p. 495, 1940) recognized both genera, *Echeneis* and *Remora*.

My conclusions are that both genera should be recognized and that *Remora* dates from Gill, 1862, and not from Forster, 1771, or Gouan, 1770. It is clear that the genotypes are those named by Gill, 1862,<sup>142</sup> who, as stated heretofore, was the first reviser and the first to restrict the genus *Echeneis* L. To change the genotypes from those designated by Gill, 1862, would result in *actual confusion*. They should stand as currently used by ichthyologists—*Remora* Gill, 1862 (type *E. remora* L.) and *Echeneis* L. (type *E. neucrates* L.).

Dr. Samuel F. Hildebrand and Dr. Robert R. Miller, both actively engaged in systematic ichthyology here at the United States National Museum, concur in the opinions stated above.

<sup>140</sup> For the reason explained in footnote 137, Gill's action in 1862 would have constituted a valid selection of *Echeneis naucrates* Linnaeus, 1758, as the type of the genus *Echeneis* Linnaeus, 1758, if it had not been for the fact that *Echeneis remora* Linnaeus, 1758, had been the type of that genus from the date of its original publication (1758) by absolute tautonymy under rule (d) in Article 30 as interpreted by *Opinion* 16. In no circumstances, therefore, could Gill's action in 1864 in selecting *Echeneis remora* Linnaeus as the type of *Echeneis* Linnaeus have had any power to reverse or set aside the selection by the same author in 1862 of *Echeneis naucrates* Linnaeus as the type of this genus. For the reasons explained above, Gill's action in 1862 was invalid, because through the operation of rule (d) in Article 30 and *Opinion* 16 the type of the genus *Echeneis* Linnaeus had always been *Echeneis remora* Linnaeus. By a pure accident, therefore, the statement by Gill in 1864 that *Echeneis remora* Linnaeus is the type of this genus happens to correspond correctly with the actual position under the *Règles Internationales* but this is not due in any way to the action then taken by Gill.

<sup>141</sup> See footnote 126.

<sup>142</sup> See footnotes 137(a) and 138.

15. In view of the unanimous nature of the advice received from the specialists consulted, a clear *prima facie* case has been established in support of the view that the strict application of the *Règles* in the case of the name *Echeneis* Linnaeus, 1758 (*i.e.* the acceptance of *Echeneis remora* Linnaeus, 1758, as the type of *Echeneis* Linnaeus, 1758, by absolute tautonymy under rule (d) in Article 30 of the *Règles Internationales*, as interpreted by *Opinion* 16) would clearly result in greater confusion than uniformity. It follows, therefore, that the course best calculated to promote stability in the nomenclature of the Order Discocephali in the Class Pisces would be for the International Commission on Zoological Nomenclature to use their plenary powers in order to validate the (at present) erroneous entry in *Opinion* 92 in regard to the type of *Echeneis* Linnaeus, 1758, thereby validating also the current practice of specialists in the group concerned. For this purpose, it would be necessary for the International Commission (i) to set aside the designation of *Echeneis remora* Linnaeus, 1758, as the type of *Echeneis* Linnaeus, 1758, by absolute tautonymy and (ii) to designate *Echeneis naucrates* (emend. of *neucrates*) Linnaeus, 1758, as the type of this genus.

16. Further, I agree with the view expressed by Drs. Schultz, Hildebrand and Miller that, if the foregoing action is to be taken in regard to the name *Echeneis* Linnaeus, 1758, it is desirable that at the same time action should be taken by the International Commission on Zoological Nomenclature to dispose of the outstanding points in regard to the name *Remora*. In view of the evidence brought forward, it seems to me that the most satisfactory course would be for the International Commission to suppress under their plenary powers all uses of the name *Remora* as a generic name prior to the publication of the generic name *Remora* Gill, 1862, *Proc. Acad. nat. Sci. Philad.* 1862 : 239. The name *Remora* Gill, 1862 (type by original designation<sup>143</sup> : *Echeneis remora* Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1 : 260) could then be added to the *Official List of Generic Names in Zoology*.

17. The proposal which will, therefore, be submitted to the International Commission on Zoological Nomenclature is that they should render an *Opinion* under their plenary powers in the following terms :—

Under suspension of the *Règles*, it is hereby declared as follows :—(i) all type designations for *Echeneis* Linnaeus,

<sup>143</sup> See footnote 138.

1758, made prior to the date of this *Opinion* are set aside; (ii) *Echeneis naucrates* (emendation of *neucrates*) Linnaeus, 1758, is designated as the type of *Echeneis* Linnaeus, 1758; (iii) the name *Remora* as used by A. Gouan, 1770, by J. R. Forster, 1771, and by any other prior to the publication of the name *Remora* Gill, 1862, is suppressed; and (iv) the name *Remora* Gill, 1862 (type by original designation<sup>143</sup>: *Echeneis remora* Linnaeus, 1758) is validated. The entry in *Opinion* 92 relating to the name *Echeneis* Linnaeus, 1758, is accordingly confirmed and the name *Remora* Gill, 1862 (Class Pisces, Order Discocephali), with the type specified above, is hereby added to the *Official List of Generic Names in Zoology* as Name No. —.

## NOTE 7.

*On an error, due to the non-observance of the provisions of Opinion 16, contained in the portion of Opinion 84, in which the name Taenia Linnaeus, 1758 (Class Cestoidea), was placed on the Official List of Generic Names in Zoology and on the remedial action proposed.*

The problem of the generic name *Taenia* Linnaeus, 1758, *Syst. Nat.* (ed. 10) 1: 819, is essentially similar to that of the name *Echeneis* Linnaeus, 1758, discussed in the preceding NOTE.<sup>144</sup> In each case the generic name is expressly cited by the Commission in *Opinion* 16 as a name which *prima facie* falls within the ambit of that *Opinion* and therefore as the name of a genus, the type of which is (and has been, under the *Règles Internationales*, since the date of its publication) automatically determined by absolute tautonymy under rule (d) in Article 30 of the *Règles*. In each case reference to the original description shows that a pre-1758 univocal specific name consisting of the same word as the generic name employed for the species by Linnaeus was cited by that author in the synonymy of one of the included species in his original description of the genus and therefore that the conditions laid down by the Commission in *Opinion* 16 apply absolutely to the generic name in question. In each case the Commission in a later *Opinion* placed the generic name in question on the *Official List of Generic Names in Zoology* without giving any consideration to the question of the applicability to the generic name of the provisions of *Opinion* 16, notwithstanding the fact that special attention had

<sup>144</sup> See NOTE 6 to the present *Opinion* (pp. 287–297 above).

been drawn by them to that name in that *Opinion*. In each case the species cited as the type of the genus in the *Opinion* placing the generic name on the *Official List* was not the species which under rule (d) in Article 30 of the *Règles*, as interpreted by *Opinion* 16, is automatically the type of the genus by absolute tautonymy. In each case the *Opinion* in which the generic name was placed on the *Official List* was an *Opinion* rendered by the Commission under their ordinary powers and not under suspension of the *Règles*. Accordingly, in each case, the validity of the entries on the *Official List* there recorded depends solely upon those entries being in accordance with the provisions of the *Règles*. In each case (as shown above) the entry relating to the generic name in question does not comply with the provisions of the *Règles* and is, therefore, erroneous and invalid. Thus, in each case immediate remedial action by the Commission is required in order to prevent confusion from arising.

2. The position as regards the generic name *Taenia* Linnaeus, 1758, is set out in the following paragraphs.

3. The genus *Taenia* was established by Linnaeus in 1758 with four included species, namely :—

1. *Taenia solium* Linnaeus ( : 819)
2. *Taenia vulgaris* Linnaeus ( : 820)
3. *Taenia lata* Linnaeus ( : 820)
4. *Taenia canina* Linnaeus ( : 820)

4. In the synonymy of the second of the above species, *Taenia vulgaris* Linnaeus, 1758, the third and seventh entries are as follows :—

*Schenk. obs.* III. p. 408. *Taenia*.

*Bewerw. thes.* 202. t. 202. f. *Taenia*.

5. The above citations by Linnaeus of the pre-1758 univocal specific name " *Taenia* " as a synonym of one of the originally included species (*Taenia vulgaris* Linnaeus, 1758) satisfies all the requirements laid down in *Opinion* 16. Accordingly, the species *Taenia vulgaris* Linnaeus, 1758, is the type of the genus *Taenia* Linnaeus, 1758, by absolute tautonymy under rule (d) in Article 30 of the *Règles Internationales*, as interpreted by *Opinion* 16.

6. In *Opinion* 84 published in 1925,<sup>145</sup> the Commission placed on the *Official List of Generic Names in Zoology* the names of nine

<sup>145</sup> See 1925, *Smithson. misc. Coll.* 73 (3) : 11-12.



genera, of which the eighth was *Taenia* Linnaeus, 1758. This *Opinion* contained no discussion of the circumstances in which the cited species had become the types of the genera concerned or any evidence that this matter had been investigated by the Commission after the proposal had been submitted to them for approval.<sup>146</sup> Particulars were, however, given in the *Opinion* of the steps which had been taken to bring to the attention of specialists the proposal that the names of the nine genera referred to above and of certain other allied genera should be added to the *Official List* and it was explained that every name to which any exception had been taken had been deleted from the list submitted for approval. Accordingly, the nine generic names included in *Opinion* 84, the sole survivors of this process of scrutiny, were the only names which all the specialists consulted were agreed in thinking it was desirable should be placed on the *Official List* with the species there specified as their types. The evidence so summarised is of great importance as showing the widespread and universal desire of specialists that the name *Taenia* Linnaeus, 1758, should be placed on the *Official List* with *Taenia solium* Linnaeus, 1758, as type, but it throws no light whatever on the question whether in fact that species is the type of the genus *Taenia* Linnaeus under the *Règles Internationales*.

7. The actual entry in *Opinion* 84 in regard to this generic name was as follows :—

*Taenia* Linnaeus, 1758a, 810–820, type *solium* (in *Homo*; Europe).

8. Long before the publication of *Opinion* 84 in 1925, the

<sup>146</sup> The surviving records relating to *Opinion* 84 are preserved in the archives of the International Commission on Zoological Nomenclature in the series of records bound under the title “*Correspondence relating to Opinions rendered*,” volume 3 (*Opinions* 82–89). These records show that on 6th March 1916 a Circular Letter (C.L. 25) was issued by the Secretary to the Commission containing the draft of an *Opinion*, which then bore the number “68.” The first eight paragraphs of this draft *Opinion* were in exactly the same terms as the first eight paragraphs of *Opinion* 84 as finally adopted but the ninth paragraph contained proposals for the addition of 17 generic names to the *Official List*. The voting papers show that the admission of 8 of these names in the *Official List* was objected to by one or more members of the International Commission. Accordingly, at the close of the voting, the Secretary to the Commission withdrew the proposals in regard to these 8 names, thereby securing unanimity in the Commission in favour of the admission to the *Official List* of the remaining 9 names. The entries in the Circular Letter relating to these generic names were identical with those later published in *Opinion* 84. It is clear, therefore, that, when the Commission were invited to place the name *Taenia* Linnaeus, 1758, on the *Official List* with *Taenia solium* Linnaeus, 1758, as type, their attention was not drawn to the bearing of *Opinion* 16 on this problem.

species *Taenia solium* Linnaeus, 1758, was widely accepted as the type of the genus *Taenia* Linnaeus, 1758, that species having been so specified by Braun <sup>147</sup> in 1900 (in Bronn's *Klassen u. Ordnungen des Thier-Reichs* 4 : 1720), when Braun wrote :—" *Taenia* L. . . . Typische Art : *Taenia solium* L."

9. Nevertheless, as is now clear, <sup>148</sup> the type of *Taenia* Linnaeus, 1758, is, and always has been, under the *Règles Internationales* the species *Taenia vulgaris* Linnaeus, 1758, by absolute tautonymy, for, as is expressly stated in the opening words to Article 30 of the *Règles Internationales*, the rules embodied in that Article are to be applied one after the other in the order of precedence there set out. <sup>149</sup> Accordingly, rule (d), under which *Taenia vulgaris* Linnaeus, 1758, is fixed as the type of *Taenia* Linnaeus, 1758, by absolute tautonymy, takes precedence of rule (g) (type by subsequent designation), under which *Taenia solium* Linnaeus, 1758, was selected as the type of this genus by Braun in 1900 and Braun's action is therefore invalid, the type of this genus having already been determined under rule (d). <sup>150</sup>

10. The species *Taenia vulgaris* Linnaeus, 1758, is today identified with the third of the species placed in the genus *Taenia* by Linnaeus in 1758, namely *Taenia lata* Linnaeus, 1758, and is commonly referred to by the specific trivial name *lata* Linnaeus, 1758. This species has been widely referred to the genus *Dibothriocephalus* Luehe, 1899, *Verh. dtsch. zool. Ges.* (9) 1899 : 46, and accordingly treated of under the name *Dibothriocephalus latus* (Linnaeus, 1758). <sup>151</sup> It has also been regarded as belonging to the genus *Diphyllobothrium* Cobbold, 1858, *Trans. linn. Soc. Lond.* 22 : 166 and treated of under the name *Diphyllobothrium latum* (Linnaeus, 1758). <sup>152</sup>

<sup>147</sup> As will be seen from paragraph 2 of *Opinion* 16 (p. 258 above), Braun was there cited as having first selected *Taenia solium* Linnaeus as the type of *Taenia* Linnaeus.

<sup>148</sup> See paragraph 5 of the present NOTE.

<sup>149</sup> The actual wording employed in the opening words of Article 30 of the *Règles Internationales* is as follows :—" The designation of type species of genera shall be governed by the following rules ((a)-(g)), applied in the following order of precedence :—"

<sup>150</sup> Rule (g) in Article 30 contains the statement that a type designation made thereunder by a subsequent author " is not subject to change," but it is hardly necessary to point out that this declaration applies only to the types of genera, to which rule (g) is applicable, *i.e.* to genera, the types of which are not determined by any of the previous rules, *i.e.* rules (a) to (f).

<sup>151</sup> See Stiles & Hassall, 1912, *Bull. U.S. Hyg. Lab.* 85 : 194 (*Index-Cat. med. vet. Zool.* (Cestoda & Cestodaria)).

<sup>152</sup> *Teste* Baylis (H. A.) *in litt.* (25th May 1945).

11. The position is therefore as follows :—

- (i) that, if the *Règles Internationales* are strictly applied to the generic name *Taenia* Linnaeus, 1758, it will be necessary to transfer this generic name from *Taenia solium* Linnaeus, 1758, and allied species, now universally referred thereto, to *Taenia lata* Linnaeus, 1758, and allied species, which have become widely known under the generic name *Dibothriocephalus* Luehe, 1899; and
- (ii) to place *Taenia solium* Linnaeus, 1758, and its allies in a genus having some entirely unaccustomed name.

12. It cannot be doubted that confusion rather than uniformity would result from the transfer, on purely nomenclatorial grounds, of the generic name *Taenia* Linnaeus, 1758, from its accustomed position as the name of the genus for *Taenia solium* Linnaeus, 1758, to become the name of the genus hitherto known as *Dibothriocephalus* Luehe, 1899, or *Diphyllobothrium* Cobbold, 1858. Moreover, even if it could be shown that specialists in the systematics of the group concerned were in general willing to accept such a transformation of the meaning to be attached to the generic name *Taenia* Linnaeus, it would still be necessary for the International Commission to take into account wider aspects of the problem, for it is one which affects not only systematists but also, for example, the teachers of zoology, for the name *Taenia* Linnaeus as the generic name for the Common Tape-Worm of Man appears in every text-book of zoology.

13. When in 1913 the International Congress of Zoology conferred plenary powers upon the International Commission on Zoological Nomenclature to suspend the *Règles Internationales* as applied to any given case, where, in the judgment of the Commission, the strict application of the *Règles* as applied to that case, would clearly result in greater confusion than uniformity, they expressly stated in Article 3 of the Plenary Powers Resolution<sup>153</sup> that the authority which they then conferred upon the Commission "refers in the first instance and especially to . . . the transference of names from one genus or species to another."

14. For the foregoing reasons, it seems plain that the proper course is for the International Commission now to make use of their plenary powers to suspend the *Règles* for *Taenia* Linnaeus, 1758, for the purpose of fixing irrevocably the species *Taenia*

<sup>153</sup> See Declaration 5 (1943, *Opinions and Declarations rendered by the International Commission on Zoological Nomenclature* 1 : 31-40).

*solium* Linnaeus, 1758, as the type of this genus, thereby (i) preventing the confusion which would arise from the strict application of the *Règles Internationales* to this case, and (ii) giving valid force to the portion of *Opinion* 84, in which the name *Taenia* Linnaeus, 1758, was added to the *Official List of Generic Names in Zoology* with *Taenia solium* Linnaeus, 1758, as its type. A proposal to this effect will be formally submitted to the International Commission as soon as possible.

FRANCIS HEMMING

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1st September, 1945

## THE PUBLICATIONS OF THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE.

(obtainable at the Publications Office of the International Trust for Zoological Nomenclature at 41, Queen's Gate, London, S.W. 7.)

### Opinions and Declarations rendered by the International Commission on Zoological Nomenclature.

The above work is being published in three volumes concurrently, namely :—

*Volume 1.* This volume will contain *Declarations* 1-9 (which have never previously been published) and *Opinions* 1-133 (the original issue of which is now out of print). In order that the volume, when bound, may be of a convenient size for handling, it has been decided to divide it into a series of Sections, which will be continuously paged but will each be supplied with a title page and index. It is at present contemplated that the first of these Sections (Section A) will comprise *Declarations* 1-9 and *Opinions* 1-16. Part 17 containing the index and title page for Section A will be published as soon as possible. The publication of Parts of Section B will be started immediately thereafter.

Parts 1-25 (comprising *Declarations* 1-9 and *Opinions* 1-16) have now been published. Further Parts are in the press and will be published as soon as possible.

*Volume 2.* This volume will contain *Declarations* 10-12 and *Opinions* 134-181 and will thus be a complete record of all the decisions taken by the International Commission on Zoological Nomenclature at their meeting held at Lisbon in 1935. This volume will be published in two Sections, which will be continuously paged but will each be supplied with a title page and index.

Section A, comprising *Declarations* 10-12 and *Opinions* 134-160 (published in Parts 1-30 and 30 A), is now complete, price £4 4s. *od.* Individual Parts of this Section are also obtainable separately at the prices at which they were originally published.

Section B will comprise *Opinions* 161-181 (to be published in Parts 31-52). Parts 31-51 (containing *Opinions* 161-181) have already been published and Part 52 containing the index and title page is now in the press.

*Volume 3.* This volume, which commenced with *Opinion 182*, will contain the first instalment of the *Opinions* adopted by the International Commission since their Lisbon meeting. Parts 1-13 (containing *Opinions 182-194*) have now been published. Further Parts will be published as soon as possible.

### **Bulletin of Zoological Nomenclature.**

This journal was established by the International Commission on Zoological Nomenclature in 1943 as their Official Organ in order to provide a medium for the publication of:—

- (a) proposals on zoological nomenclature submitted to the International Commission for deliberation and decision;
- (b) comments received from, and correspondence by the Secretary with, zoologists on proposals published in the *Bulletin* under (a) above; and
- (c) papers on nomenclatorial implications of developments in taxonomic theory and practice.

Parts 1-10 of volume 1 have now been published. Further Parts are in the press and will be published as soon as possible.

Ref.

# OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

Secretary to the Commission

**VOLUME 1. SECTION A. Part A.26. Pp. 305—358**

Particulars of action in regard to the Rulings given in *Opinions* 1 to 16 and in *Declarations* 1 to 9 taken by the International Congress of Zoology in the period 1948—1955 and by the International Commission on Zoological Nomenclature in the same period

(Note :—The immediately preceding Part of this Section was published as Part 25 of Volume 1 on 28th February 1947 and contained a re-issue of *Opinion* 16.)

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# APPENDICES

TO

## SECTION C OF VOLUME 1

**Appendix 1.**—Action taken by the Thirteenth International Congress of Zoology, Paris, 1948, and by the Fourteenth International Congress of Zoology, Copenhagen, 1953, in regard to interpretations of the *Règles* given by the International Commission on Zoological Nomenclature in *Opinions* 1 to 16.

**Appendix 2.**—Action taken by the Thirteenth International Congress of Zoology, Paris, 1948, in regard to the matters dealt with by the International Commission on Zoological Nomenclature in the *Declarations* (*Declarations* 1 to 9) based upon Resolutions adopted by it in the period up to the end of its Session held at Padua in 1930.

**Appendix 3.**—Action in regard to individual names and books cited in *Opinions* 1 to 16 taken by the International Commission on Zoological Nomenclature in the period 1948-1955.



## APPENDIX 1

### ACTION TAKEN BY THE THIRTEENTH INTERNATIONAL CONGRESS OF ZOOLOGY, PARIS, 1948, AND BY THE FOURTEENTH INTERNATIONAL CONGRESS OF ZOOLOGY, COPENHAGEN, 1953, IN REGARD TO INTERPRETATIONS OF THE "RÈGLES" GIVEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE IN "OPINIONS" 1 TO 16

By FRANCIS HEMMING, C.M.G., C.B.E.,  
*Secretary to the International Commission on Zoological Nomenclature*

At Paris in 1948 the International Commission on Zoological Nomenclature reviewed the *Opinions* in which it had given interpretations of the *Règles* and submitted recommendations to the Thirteenth International Congress of Zoology for the incorporation of those interpretations into the *Règles*, either in their original form or in some modified manner. The recommendations so submitted were approved by the Paris Congress. Of the sixteen (16) *Opinions* dealt with in the present volume, eleven (11) were expressly concerned with problems of interpretation. The Rulings given in nine (9) of these eleven *Opinions* (*Opinions* 1-7, 10, 16) were incorporated into the *Règles*, in whole or in part, by the Paris Congress, while the Rulings given in the remaining two *Opinions* (*Opinions* 8 and 9) were cancelled, the first as being incorrect, the second as having no meaningful content. In addition, provisions based upon *obiter dicta* in two other *Opinions* (*Opinions* 14 and 15) were incorporated into the *Règles*. In the case of three of the *Opinions* dealt with in the present volume (*Opinions* 4, 6 and 8) the provisions inserted in the *Règles* by the Paris Congress of 1948 were modified or revised by the Fourteenth International Congress of Zoology, Copenhagen, 1953.

2. It is considered that it would be misleading to close the present volume without giving an account of the way in which the interpretations of the *Règles* given in the *Opinions* included in it

have since been dealt with by the Thirteenth (Paris, 1948) and Fourteenth (Copenhagen, 1953) International Congresses of Zoology. It has accordingly been decided to annex to this volume the present Appendix containing a description of the action taken in this matter by the foregoing Congresses.

### Opinion 1

#### “ The meaning of the word ‘ indication ’ in Art. 25A ”

3. The Ruling given in *Opinion 1* was divided into two separately lettered paragraphs, the first concerned with the interpretation of the expression “ indication ” in relation to specific names, the second, with the interpretation of that expression in relation to generic names. These paragraphs were followed by an unlettered sentence (rejecting museum labels and the like as indications). The second portion of the Ruling given in this *Opinion* was dealt with by the Paris Congress in advance of the remaining portions. Later, the Congress, taking note of the decision already reached on this portion of the Ruling given in this *Opinion*, adopted a consolidated decision covering both the two main portions of that Ruling. The concluding portion was dealt with at the same time, being then interpreted as applying equally to both the lettered portions.

4. The issue raised by the second paragraph of the Ruling given in *Opinion 1* involved an important question of principle, for, although under that paragraph a generic name published without a verbal definition or diagnosis for the nominal genus so established was an available name only if it had a designated type species or an indicated type species (under Rules (b), (c) or (d) in Article 30), the restriction so imposed had been overlooked or ignored by many later zoologists who had accepted a generic name as possessing the status of availability if at the time of its being first published, the names of previously established nominal species were cited as being the names of species of the genus concerned. On the other hand, other zoologists had gone even further

in the opposite direction than had *Opinion 1*, these zoologists refusing to accept any generic name not published with a verbal definition or diagnosis for the genus so named. From an extensive canvas of opinion among representative specialists undertaken by a group of Washington zoologists before the opening of the Paris Congress it was clear that those zoologists who accepted generic names published without a verbal diagnosis but with cited nominal species were in a large majority (Hemming, 1950, *Bull. zool. Nomencl.* 3 : 32—36). In the light of the expression of opinion so secured, the Commission at Paris recommended that the relevant portion of the second paragraph of the Ruling given in *Opinion 1* should be reversed. The Commission further recommended that, in conformity with the amendment of Article 25 adopted by the Tenth International Congress of Zoology, Budapest, 1927, the whole of the portion of the Ruling given in this *Opinion* in relation to generic names should be limited in such a way as to apply only to names published before 1st January 1931. Simultaneously with the action described above the Commission cancelled as being no longer applicable the portion of the Ruling given in *Opinion 1* (Section (B) (3)) which had been reversed by the decision just taken. The following is the text of the revised decision in regard to the meaning to be attached to the expression "indication" in relation to generic names reached by the Commission and approved by the Congress in this matter (1950, *Bull. zool. Nomencl.* 4 : 80) :—

That Proviso (a) to Article 25 should be so amended as to secure that a generic or subgeneric name published before 1st January, 1931, shall be available under that Article as from the date of its original publication not only when (as at present) it was then accompanied by a definition or description or when the genus was monotypical or when a type species was designated or indicated by the original author when publishing the name but also when the name, on being first published, was accompanied by no verbal definition or description, the only indication given being that provided by the citation under the generic or subgeneric name concerned of the names of one or more previously published nominal species.

5. Having reached the foregoing decision on the only aspect of the Ruling in *Opinion 1*, which raised any point of principle, the Commission at a later stage at the same meeting agreed upon the following recommendation to the Congress for dealing

with the remaining portions of the Ruling given in the foregoing *Opinion* and for incorporating the decision already taken in regard to the second portion of the Ruling given in this *Opinion* (1950, *Bull. zool. Nomencl.* 4 : 149) :—

That words should be inserted in the *Règles* to make it clear, as regards generic names and specific trivial<sup>1</sup> names published prior to 1st January, 1931 :—

- (a) that a specific trivial name is to be accepted as having been published with an “ indication ” if it is published (i) with a bibliographical reference to a previously published definition or description, or (ii) in conjunction with a figure (illustration), or (iii) as a substitute for a previously published name which is invalid as a homonym ;
- (b) that a generic name is to be accepted as having been published with an “ indication ” if it is published (i) with a bibliographical reference to a previously published definition or description, or (ii) in the manner agreed upon at the meeting noted in the margin, or (iii) as a substitute for a previously published name which is invalid as a homonym ;
- (c) that neither a reference to a museum label nor to a museum specimen nor to a vernacular name is to be accepted as an “ indication ” either for a generic name or for a specific trivial name.

The decision referred to in Point (b)(ii) above is the decision which has been quoted in paragraph 4 of the present paper.

6. Consequent upon the adoption of the decisions quoted in paragraphs 4 and 5 above, the Commission repealed the whole of *Opinion* 1 “ for interpretative purposes, that is to say, for all except historical purposes ” (1950, *Bull. zool. Nomencl.* 4 : 165—166).

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<sup>1</sup> By a decision taken by the Fourteenth International Congress of Zoology, Copenhagen, 1953 (1953, *Copenhagen Decisions zool. Nomencl.* : 21, Decision 17) the expression “ specific name ” was substituted for the expression “ specific trivial name ” as the expression to be used to denote the second term of the binominal combination (in future, to be styled “ binomen ”) constituting the name of a species.

**Opinion 2****“ The Nature of a Systematic Name ”**

7. The Ruling given in *Opinion 2* contained a rejection of any name based upon a hypothetical form. The following is the text of the recommendation submitted by the Commission, and approved by the Paris Congress, for the incorporation into the *Règles* of the Ruling given in this *Opinion* (1950, *Bull. zool. Nomencl.* **4** : 144) :—

That words should be inserted in the *Règles* to make it clear that a name based upon a hypothetical form has no status in zoological nomenclature. Example : The generic name *Pithecanthropus* Haeckel, 1866, being the name of a genus based upon a hypothetical species, has no status in zoological nomenclature and does not preoccupy the generic name *Pithecanthropus* Dubois, [1894], the name of a genus based upon a known species.

8. Consequent upon the adoption of the foregoing decision, the Commission repealed the whole of *Opinion 2* except for historical purposes (1950, *Bull. zool. Nomencl.* **4** : 165—166).

**Opinion 3****“ The Status of Publications Dated 1758 ”**

9. Part—but part only—of the Ruling given in *Opinion 3* was incorporated into Article 26 of the *Règles* by the Eleventh International Congress of Zoology, Padua, 1930. The adoption of this procedure involved certain practical inconveniences, for it made it necessary, in order to ascertain the status of names published in 1758 in works other than the 10th edition of the *Systema Naturae* of Linnaeus, to make a close study of Article 26 as amended by the Padua Congress and of the portion of the Ruling given in the present *Opinion*. When the Commission at its Paris Session came to consider this *Opinion* it recommended that the portion of the Ruling given in it which had not already

been included in the foregoing Article should now be incorporated as follows (1950, *Bull. zool. Nomencl.* **4** : 151):—

That words should be inserted in the *Règles* to make it clear that any work published in the year 1758 is to be treated as having been published subsequent to the 10th edition of the *Systema Naturae* of Linnaeus and therefore subsequent to the starting point of zoological nomenclature.

**10.** Consequent upon the adoption of the foregoing decision, the whole of *Opinion 3* was repealed, except for historical purposes (1950, *Bull. zool. Nomencl.* **4** : 165—166).

#### Opinion 4

##### “ Status of Certain Names Published as Manuscript Names ”

**11.** The following is the text of the recommendation submitted by the Commission, and approved by the Paris Congress, for the incorporation into the *Règles* of the Ruling given in this *Opinion* (1950, *Bull. zool. Nomencl.* **4** : 145—146):—

That words should be inserted in the *Règles* to make it clear that a manuscript name acquires status in zoological nomenclature only when it is validly published, and on being so published, is published in conditions which satisfy the requirements of the provisos to Article 25, and that the status of a manuscript name, so published, is not affected by the question whether the author by whom it is published accepts it as an available name or sinks it as a synonym.

**12.** Consequent upon the adoption of the foregoing decision, the whole of *Opinion 4* was repealed for all except historical purposes (1950, *Bull. zool. Nomencl.* **4** : 165—166).

**13.** After the Paris Congress, objection was taken by certain zoologists to the incorporation in the *Règles* in the manner shown in paragraph 11 above of the Ruling given in *Opinion 4*. Arrangements were accordingly made for this question to be considered by the Colloquium on Zoological Nomenclature summoned to be held at Copenhagen in July 1953. This subject was accordingly entered on the Agenda for the Colloquium as Case No. 33 (1953, *Bull. zool. Nomencl.* **10** : 299—354). The following is an extract from the Report



of the Colloquium setting out the revised decision taken by the Fourteenth International Congress of Zoology, Copenhagen, 1953 in this matter (1953, *Copenhagen Decisions zool. Nomencl.* : 63—64, Decision 115) :—

115. *Rejection, as from a specified future date, of names published in synonymies without independent descriptions* : The Colloquium recommends that the decision taken in Paris in 1948 to incorporate in the *Règles* the substance of the ruling given in *Opinion 4* regarding the status of names published in synonymies without independent descriptions (1950, *Bull. zool. Nomencl.* **4** : 145—146) be repealed and that the following provisions, illustrated by appropriate examples, be adopted in its place :—

- (1) As from a date to be prescribed by the International Commission and incorporated in the forthcoming edition of the *Règles*, no name shall acquire availability by virtue of being published in a synonymy without an independent indication, definition or description or, in the case of a generic name, without the names of any included species being expressly cited in connection therewith.
- (2) Where, prior to the introduction of the new provisions, a name (whether generic or specific) published in a synonymy (whether generic or specific), has been brought into general use, it shall be deemed to be available if it is generally accepted.
- (3) Where there is a difference of opinion on the question referred to in (2) above, the matter is to be referred to the International Commission for decision.
- (4) Any name, whether generic or specific, originally published in a synonymy and accepted under the procedure specified in (2) or (3) above is to be accepted as an objective synonym of the name with which it was originally synonymised.

**Further clarification of the status of manuscript names when first published with an “ indication ” and of names when so published after having previously been published as “ nomina nuda ”**

14. When in Paris in 1948 the Commission recommended, and the Thirteenth International Congress of Zoology agreed, to incorporate in the *Règles* a provision containing the substance of the Ruling given in *Opinion 4* (a decision which, as explained in

paragraph 11 above, was later reversed by the Fourteenth International Congress of Zoology, Copenhagen, 1953), consideration was given also to a question relating to the status (a) of a name which, after having been given an irregular currency as a manuscript name, is ultimately published with an "indication", (b) of a name which prior to being published with an "indication" had been published as a *nomen nudum* which had been raised in Note 5 of the Editorial Notes annexed to the re-issue of *Opinion 4* re-published in the present volume (: 110). The Commission then recommended and the Congress agreed (a) to insert a provision in the *Règles* dealing with the subject raised in the Editorial Note referred to above, and (b) to insert in Article 25 of the *Règles* a *Recommandation* deprecating both the publication of names which had already become known through having been used as manuscript names and also the re-publication with an indication of names previously published as *nomina nuda*. As shown in paragraph 15 below, the first of these decisions is affected to a small but limited extent by the decision of the Copenhagen Congress to reverse the decision of the Paris Congress in relation to *Opinion 4*; the second of the foregoing decisions by the Paris Congress is entirely unaffected by the action in regard to the foregoing *Opinion* taken later by the Copenhagen Congress. The following are the texts of the decisions taken by the Paris Congress in this matter:—

- (a) *Clarification of the status (i) of a name when published with an "indication" after having previously been given an irregular currency through being used as a manuscript name and (ii) of a name when similarly published after having been previously published as a "nomen nudum"* (1950, *Bull. zool. Nomencl.* 4 : 563) :—

That words should be inserted in the provision which, on the recommendation of the Commission (at the 6th Meeting (Conclusion 18) of their Paris Session), it had now been agreed to insert in Article 25 of the *Règles* to give effect to the decision embodied in *Opinion 4*, making it clear that it was immaterial for the purpose of that provision whether an author, when publishing a manuscript name or re-publishing with an indication (including the citation of the name in question in the synonymy of a species or subspecies having a validly published name), definition or description a name previously published only as a *nomen nudum*, expressly states that he is so doing or whether an author

publishing or, as the case may be, re-publishing, such a name attributes that name to some previous author in the erroneous belief that that name had been validly published by that author or as a tribute to the author by whom the name in question had been originally proposed either in manuscript or published as a *nomen nudum*.

- (b) *Insertion in the "Règles" of a "Recommandation" deprecating (i) the publication of names previously used in an irregular manner as manuscript names and (ii) the re-publication of names previously published as "nomina nuda"* (1950, *Bull. zool. Nomencl.* **4** : 563—564) :

That a *Recommandation* should be inserted in Article 25 of the *Règles* strongly condemning (a) the publication of names which had previously existed only as manuscript names and (b) the re-publication of names which had previously been given an irregular currency through having been published as *nomina nuda*, and urging any author who might consider that for some special reason it was important that such a name should be published or, as the case may be re-published, expressly to draw attention to the action which he was taking.

**15.** *Modification of the decision by the Paris (1948) Congress quoted in paragraph 14(a) of the present paper following upon the decision by the Copenhagen (1953) Congress to reverse the decision taken by the Paris Congress in regard to "Opinion" 4* : As has already been explained (paragraph 14 above) the decision in regard to the status (i) of a name when published with an "indication" after having previously been used as a manuscript name and (ii) of a name when re-published with an "indication" after having previously been published as a *nomen nudum* quoted in paragraph 14(a) above has been automatically modified in one respect as the result of the decision by the Copenhagen (1953) Congress to reverse the decision in regard to the codification of the Ruling given in *Opinion* 4 taken by the Paris Congress in 1948. The portion of the decision under reference which must be regarded as having been revoked by the Copenhagen Congress consists of the words referring to the status of names published in synonymies without an independent "indication" which appear in lines 9 to 11 of the Official Record of that decision as printed on page 563 of volume 4 of the

*Bulletin of Zoological Nomenclature*, namely the words “ including the citation of the name in question in the synonymy of a species or subspecies having a validly published name ”.

### Opinion 5

#### “ Status of Certain Pre-Linnaean Names Reprinted Subsequent to 1757 ”

16. At its Session held in Paris in 1948 the Commission recommended, and the Congress agreed, that the Ruling given in *Opinion 5* should be incorporated into the *Règles* in the following form (1950, *Bull. zool. Nomencl.* 4 : 150) :—

That words should be inserted in the *Règles* to make it clear that a name which, by reason of having been published before the starting point of zoological nomenclature (i.e. prior to 1st January 1758), possesses no status under the *Règles* does not acquire such status if, when re-published after 1757, it is simply reprinted with its original diagnosis, it being necessary, if such a name is to acquire rights under the *Règles*, that, on being re-published, it should be reinforced by being adopted or accepted by the author by whom it is re-published.

17. Consequent upon the adoption of the foregoing decision, the whole of *Opinion 5* was repealed except for historical purposes (1950, *Bull. zool. Nomencl.* 4 : 165—166).

### Opinion 6

#### “ The Case of a Genus ‘ A ’ Linnaeus, 1758, with two species ‘ Ab ’ and ‘ Ac ’ ”

18. At its Session held at Paris in 1948 the Commission recommended, and the Congress agreed, to incorporate into

Article 30 of the *Règles* the Ruling given in *Opinion 6*, subject to the important clarification noted below, and subject also to the limitation of the application of that Ruling to generic names published prior to 1st January 1931. This latter limitation was required in order to bring that Ruling into harmony with the amendment to Article 25 made by the Tenth International Congress of Zoology, Budapest, 1927. The clarification made by the Paris Congress consisted of the insertion of words to make it clear that the acceptance of the principle of elimination embodied in the Ruling given in this *Opinion* was of a strictly limited character, the Ruling being applicable only to the case (a) where the genus concerned was established without a designated or indicated type species and with two, but not more than two, included species and (b) where one of the included species is later designated or indicated as the type species of a new monotypical genus. The following is the text of the recommendation approved by the Paris Congress in this matter (1950, *Bull. zool. Nomencl.* **4** : 157) :—

That words should be inserted in the *Règles* to make it clear that, where, prior to 1st January 1931, a genus established without a designated or indicated type species contains two, but not more than two, originally included nominal species and later the same or another author designates or indicates one of those nominal species as the type species of a new monotypical genus, that action automatically constitutes the selection of the remaining species as the type species of the original genus.

**19.** Consequent upon the adoption of the foregoing decision, the whole of *Opinion 6* was repealed for all except historical purposes (1950, *Bull. zool. Nomencl.* **4** : 165—166).

**20.** During the preparations for the meeting of the Colloquium on Zoological Nomenclature arranged to be held at Copenhagen in July 1953, a proposal was received in favour of the deletion from the *Règles* of the provision embodying the clarified version of the Ruling given in *Opinion 6* given in paragraph 18 above. This proposal was accordingly placed on the Agenda for the Colloquium, where it appeared as Case No. 45 (1953, *Bull. zool. Nomencl.* **10** : 409—410). This proposal was approved in the following terms by the Fourteenth International Congress of

Zoology, Copenhagen, 1953 (1953, *Copenhagen Decisions zool. Nomencl.* : 72, Decision 135) :—

135. *Type species of a nominal genus established with only two included species, of which one has been made the type species of a monotypical genus : repeal of ruling given in "Opinion" 6* : The Colloquium recommends that the action taken in Paris in 1948 when the ruling in *Opinion 6* was incorporated into the *Règles* (1950, *Bull. zool. Nomencl.* **4** : 157, Conclusion 30) should be revoked, that is, that the *Règles* should no longer provide that, when a nominal genus is established with two included nominal species but without designated or indicated type species and one of these species is later designated or indicated as the type species of a newly established monotypical nominal genus, such action is to be taken as constituting an automatic selection of the remaining nominal species to be the type species of the original genus. At the same time, the Colloquium recommends that protection should be accorded in any case where, on the faith of *Opinion 6*, the species currently accepted as the type species of any given nominal genus has been determined in the foregoing manner and where, without such protection, it would be necessary to change the type species of the genus concerned.

### Opinion 7

**“ ‘Opinion’ rendered on the Interpretation of the Expression  
‘ n.g., n.sp. ’ Under Art. 30A ”**

21. At its Session held in Paris in 1948 the Commission submitted a recommendation to the Congress for the incorporation into Rule (a) in Article 30 of the Ruling given in *Opinion 7*, subject to two qualifications similar to those imposed in connection with the codification of the Ruling given in *Opinion 6* (paragraph 18 above), namely (a) that that Ruling applied only to generic names published before 1st January 1931, and (b) that it applied only where the formula “ n.g., n.sp. ” (or equivalent formula) was used for the genus concerned in relation to not more than one species. The following is the text of the recommendation approved by the Paris Congress in this matter (1950, *Bull. zool. Nomencl.* **4** : 153) :—

That words should be inserted in the *Règles* to make it clear that, where, prior to 1st January 1931, the name of a nominal genus was published without a designated or indicated type species, but the formula "n.g., n.sp." or an exactly equivalent formula was employed in relation to that nominal genus and to one but not more than one new nominal species described thereunder, the employment of such a formula is to be taken as constituting the designation of the nominal species in question as the type species of the nominal genus concerned.

20. Consequent upon the adoption of the foregoing decision, the whole of *Opinion 7* was repealed except for historical purposes (1950, *Bull. zool. Nomencl.* 4 : 165—166).

### Opinion 8

#### **"On the Retention of 'ii' or 'i' in Specific Patronymic Names Under Art. 14(c) and Art. 19 of the International Code"**

23. At its Session held in Paris in 1948 the Commission considered jointly the question of the procedure to be followed (a) where a specific name based upon a modern patronymic was formed in the genitive singular otherwise than (as prescribed by the third paragraph of Article 14) by the addition of a specified termination to the exact and complete name and (b) where, in the case of a name based upon the patronymic of a man the termination used was a double "i" (as "-ii") instead of a single "i" (as "-i") as prescribed in the foregoing Article. The recommendation in this matter submitted by the Commission to, and approved by, the Paris Congress prescribed that all infringements of Article 14 and certain other specified Articles should be subject to automatic correction by later authors. The text of the provision so agreed to be inserted in the *Règles* was as follows (1950, *Bull. zool. Nomencl.* 4 : 68) :—

That provisions should be inserted in the *Règles* to make it clear :—

- (a) that, where a name is published in a form or in a manner which contravenes any of the provisions contained in Articles 14—16,

18 or Article 20, the error so committed is automatically to be corrected by subsequent authors ;

- (b) that, where a name is originally published in a form or in a manner which contravenes any of the Articles specified in (a) above but later that error is removed by the name being corrected or by the form of its citation being altered, as the case may be, the name in its corrected form or with its corrected mode of citation ranks for purposes of priority from the date on which it was originally published in an incorrect form or in an incorrect manner and is to be attributed to the author by whom it was so published and not to the author by whom it was corrected or by whom it was first cited in a correct manner ;
- (c) that, where a name is validly emended in accordance with the provisions of Article 19, that name ranks for purposes of priority from the date on which it was originally published in an incorrect form and is to be attributed to the author by whom it was so published ;

**24.** At the same time that the Commission submitted the foregoing proposals to the Paris Congress, it cancelled *Opinion 8* on the ground that “ the interpretation of the *Règles* contained in ” it “ was incorrect ”.

**25.** In the period prior to the opening of the Colloquium on Zoological Nomenclature at Copenhagen in July 1953 a proposal was received that a provision should be inserted in the *Règles* which would exempt from correction an infringement of the provision in Article 14 that the termination to be attached to the modern patronymic of a man when such a patronymic was used as the basis for a specific name formed in the genitive singular should be a single “ i ” (as “ -i ”). The proposal so received was entered on the Agenda of the Colloquium as Case No. 15 (1953, *Bull. zool. Nomencl.* **10** : 222—225). When the Copenhagen Congress came to consider the problems associated with Article 14, it decided to reduce to the fullest extent possible the provisions in this Article which should have mandatory force, infringements of which would remain subject to automatic correction by later authors, and for this purpose expressly enumerated the provisions which were to retain this character. Among the provisions so enumerated was the provision that a specific name based upon the patronymic of a man and formed in the genitive case must be



based upon the exact and complete form of that patronymic. This was the provision which had originally appeared in the third paragraph of Article 14 and which had been clarified by the Paris Congress (1950, *Bull. zool. Nomencl.* 4 : 205, 206, Point (1)). As regards names of the above kind for which the termination used by the original author consisted of a double "ii" instead of a single "i", the Copenhagen Congress agreed to insert a provision in the *Règles* making the use of the double "ii" permissible, while adding a *Recommandation* that the use of a termination consisting of a single "i" was to be preferred. The text of the foregoing decisions is as follows :—

- (a) *Decision by the Copenhagen Congress retaining as a mandatory provision the provision in Article 14 that, where a specific name based upon the modern patronymic of a man is formed as a noun in the genitive singular, the exact and complete patronymic is to be included in the specific name so formed* (1953, *Copenhagen Decisions zool. Nomencl.* : 51—52, Decision 86) :

... The recommendation now submitted is that :—

- (1) the mandatory portion of Article 14 shall be confined to the following :—

.....

- (b) the last paragraph of the existing Article as clarified in Paris in 1948 (1950, *Bull. zool. Nomencl.* 4 : 205—206, Point (1)(b)) (that is, the provision relating to the formation of specific names based upon modern patronymics in the genitive case), . . . .

- (b) *Decision by the Copenhagen Congress to remove from the mandatory category the provision in Article 14 that the termination to be added to a specific name based upon the patronymic of a man and formed in the genitive singular shall consist of a single "i" (as "-i")* (1953, *Copenhagen Decisions zool. Nomencl.* : 54, Decision 91) :

91. *Formation of specific names in the genitive singular based upon modern patronymics of men* : The Colloquium recommends that, in place of the existing provision which requires that, where a specific

name based upon a modern patronymic of masculine gender is formed in the genitive singular, that name is to be formed by adding the termination “-i” to the patronymic concerned, there shall be inserted a provision that in such a case the terminations “-i” and “-ii” are permissible variants, the differences between them having no nomenclatorial significance. In addition, however, the Colloquium recommends that a *Recommandation* should be added stating that the termination consisting of the single letter “i” is to be preferred to that consisting of a double “i”.

### Opinion 9

#### “ The Use of the Name of a Composite Genus for a Component Part Requiring a Name ”

26. The Ruling given in *Opinion 9* was as follows :—“ The decision as to whether the name of a composite genus, when made up wholly of older genera, is tenable for a component part requiring a name, depends upon a variety of circumstances. There are circumstances under which such a name may be used, others under which it may not be used (Art. 30) ”.

27. When at its Session held in Paris in 1948 the Commission came to consider the question of the incorporation into the *Règles* of the Ruling given in the present *Opinion*, it decided to cancel this *Opinion* “ because it contained no effective decision ” (1950, *Bull. zool. Nomencl.* 4 : 335).

### Opinion 10

#### “ Designation of Genotypes for Genera Published with Identical Limits ”

28. At Paris in 1948 the Commission recommended, and the Congress agreed, that the Ruling given in *Opinion 10* should be

clarified and limited in its application to names published before 1st January, 1931 and that, as so clarified, it should be incorporated in the *Règles*. The decision so taken was as follows (1950, *Bull. zool. Nomencl.* **4** : 156) :—

That words should be inserted in the *Règles* to make it clear that, where, prior to 1st January, 1931, two or more genera with identical limits (i.e. with the same included nominal species) were formed independently by different authors and neither genus or none of the genera had a designated or indicated type species, any of the included nominal species may be subsequently selected by the same or another author to be the type species of either or all of the genera concerned.

**29.** Consequent upon the foregoing decision, the whole of *Opinion* 10 was repealed for all except historical purposes (1950, *Bull. zool. Nomencl.* **4** : 165—166).

#### Opinion 14

##### “ The Type Species of ‘ *Etheostoma* ’ Rafinesque, 1819 ”

**30.** This *Opinion*, being concerned only with the determination of the type species of a particular genus, did not purport to give a general interpretation of any provision of the *Règles*. Nevertheless, the Ruling given in this *Opinion* did, in fact, contain an important interpretation of Rule (g) in Article 30, for it implicitly laid down the principle that an author selecting a type species for a genus without a designated or indicated type species is to be assumed to have identified correctly the species which he so selects. The problem here elucidated is the previously somewhat neglected counterpart of the problem raised by the question whether an author establishing a nominal genus and designating a type species for the genus so named should in all circumstances be assumed to have correctly identified the species so designated, a question which for many years after the adoption of *Opinion* 14 was to remain a subject of discussion and disagreement.

31. In the case of the issue elucidated implicitly in the Ruling given in *Opinion* 14 the Commission recommended, and the Congress agreed (1950, *Bull. zool. Nomencl.* 4 : 157—158). :—

That words should be inserted in the *Règles* to make it clear that, where, prior to 1st January, 1931, a genus was established without a designated or indicated type species and at any time after the date of publication of the generic name in question an author selects one of the originally included nominal species to be the type species but, in doing so, himself misidentifies the species which he so selects, that selection is not invalidated by reason of the error so committed.

32. Consequent upon the foregoing decision, the portion of *Opinion* 14 containing an interpretation of the *Règles* [i.e. the portion not concerned with the question of the type species of the genus *Etheostoma* Rafinesque, 1819] was repealed for all except historical purposes (1950, *zool. Nomencl.* 4 : 165—166).

### Opinion 15

“ ‘*Craspedacusta sowerbii*’ Lankester, 1880, n.g., n.sp. vs. ‘*Limnocodium victoria*’ Allman, 1880, n.g., n.sp., a Fresh-Water Medusa ”

33. *Opinion* 15, like *Opinion* 14, was concerned with a problem raised in connection with an individual nomenclatorial problem, but in this case also an unsettled question of policy was involved. In this case the major issue was what constituted “ publication ” for the purposes of Article 25 of the *Règles*. No answer was then given by the Commission on that major issue, the problem raised by the particular name which formed the subject of the application then under consideration being disposed of by the adoption of the following limited and negative pronouncement in the Ruling (then styled “ Summary ”) of *Opinion* 15 :—“ Presentation of a paper before a learned society does not constitute publication in the sense of the Code ”. In addition, however, the portion of the main body of the *Opinion* headed “ Discussion ” contained

the following *obiter dictum* of a general character :—“ Publication, in the sense of the Code, consists of the public issue of printed matter ”. Although this pronouncement did not appear in the Ruling given in this *Opinion* and did not therefore form part of the decision then taken by the Commission (as contrasted with the personal view entertained by the writer (the late Dr. C. W. Stiles) of the “ Discussion ” paragraph in the body of the *Opinion*), the total lack of authoritative guidance on the vital question of what constitutes “ publication ” for the purposes of Article 25 of the *Règles* led many zoologists, in default of anything better being available, to guide themselves in their day-to-day work by the foregoing formula. Only once again during the inter-war years did the Commission approach the problem of “ publication ”. This was in *Opinion* 51 published in 1912. This *Opinion*, like *Opinion* 15, was concerned with an individual problem (the status of a book entitled *Museum Calonnianum*) and, again, as in *Opinion* 15, the question of “ publication ” was not dealt with by the Commission itself in the Ruling given in this case, appearing only in the “ Discussion ” paragraph written by Dr. Stiles. On this occasion, however, he claimed that the formula given in *Opinion* 15 had represented a pronouncement by the Commission itself. After quoting the sentence in *Opinion* 15, given above, Dr. Stiles proceeded as follows :—“ The qualifying word ‘ public ’ in this definition indicates that the printed matter in question is not intended for special persons only or for a limited time, but that it is given to the world, or used in the nature of a permanent scientific record ”. Here matters rested until the meeting of the Commission held in Paris in 1948. During this long period the problem of what constituted “ publication ” for the purposes of zoological nomenclature had become more difficult owing to the development of the practice of distributing papers containing new names which were reproduced by some method other than “ printing ”, for this development called in question the meaning to be attached to the expression “ printed matter ” as used in the formula enunciated in the “ Discussion ” paragraphs in *Opinions* 15 and 51.

34. At its Session held in Paris in 1948 the Commission took the view that it was essential that a definition of the meaning to be attached to the expression “ divulgué dans une publication ”

as used in Article 25 should be included in the *Règles* without further delay. At the same time the Commission formed the conclusion that the present was one of the cases where in the interests of nomenclatorial stability it was desirable that a more lenient definition should be adopted for books or papers already distributed than was either necessary or desirable in future cases. The recommendation submitted by the Commission to, and approved by, the Congress was as follows (1950, *Bull. zool. Nomencl.* 4 : 215—221) :—

(a) That, either in Article 25 or at some other appropriate point in the *Règles*, there should be inserted provisions prescribing :—

(i) that a name made public, *prior to midnight G.M.T. (Greenwich Mean Time), 31st December 1950/1st January 1951*, is to be deemed to have been made public in a publication (“divulgué dans une publication”) only if the document containing the name satisfies both of the following conditions :—

( $\alpha$ ) it must have been reproduced either by printing or by some other mechanical method of reproduction which secures that every copy is identical with every other copy ;

( $\beta$ ) it must be a document issued for purposes of record and therefore of consultation by interested persons and must accordingly not be a document issued for exclusive consideration by special persons only, or only for particular purposes or for a limited time ;

(ii) that a name made public, *subsequent to the point of time specified in (i) above*, is to be deemed to have been made public in a publication (“divulgué dans une publication”), only if the document containing the name satisfies all of the following conditions :—

( $\alpha$ ) it must have been made public in conditions which satisfy the requirements both of section ( $\alpha$ ) and of section ( $\beta$ ) of (i) above ;

( $\beta$ ) it must be reproduced on paper, and with ink, of quality and durability sufficient to offer a reasonable prospect of permanency ;

( $\gamma$ ) where the document containing the name is distributed by, or on behalf of, its author to certain selected persons, at least some copies must also be placed on sale or made available for issue free of charge to any institution or person who may apply for a copy ;

(iii) that, where there is any reasonable doubt as to whether a given book or paper has been made public in conditions which satisfy the requirements of section (i) or section (ii) above, as the case may be, and therefore as to whether new names contained therein have been made public in a publication (“divulgué dans une publication”), the question should be referred forthwith to the International Commission on Zoological Nomenclature for decision ;

(b) that, associated with the provisions specified in (a) above, provisions should be inserted in the *Règles* making it clear that a new name is not to be deemed to have been made public in a publication (“divulgué dans une publication”) if the only action or actions to make that name public consists or consist of :—

- (i) the deposit of the paper containing the new name in a public library or in the library of a scientific institution, however that document may have been reproduced ;
- (ii) the mention of the new name in a paper presented orally before a meeting of any kind ;
- (iii) the affixing of the new name on the label attached to a museum specimen ;

.....

35. Consequent upon the adoption of the foregoing decision, *Opinion* 15 was cancelled “for interpretative purposes” [i.e. for purposes other than the interpretation of the names cited in the title of that *Opinion*] (1950, *Bull. zool. Nomencl.* 4 : 221).

### Opinion 16

“The Status of Prebinomial Specific Names (Published Prior to 1758) Under Art. 30D ”

36. The Ruling given in *Opinion* 16 extended the provisions in Rule (d) in Article 30 (type species by absolute tautonymy) in such a way as to secure that a genus should be deemed to have had its type species determined under the foregoing Rule if at the time when the generic name concerned was first published there was placed in it a species in the synonymy of which was cited a

pre-1758 univerval species—name consisting of the same word as that adopted for the generic name.

37. At Paris in 1948 the Commission recommended, and the Congress agreed, to incorporate in the *Règles* the Ruling given in the foregoing *Opinion*, subject to two conditions, namely (1) that it should be made clear that the proposed provision applied only where a tautonymous pre-1758 univerval species name was cited in the synonymy of not more than one of the originally included species, and (2) that the application of the provision was limited to generic names published before 1st January 1931. The following is the text of the decision taken in this matter (1950, *Bull. zool. Nomencl.* 4 : 155) :—

That words should be inserted in the *Règles* to make it clear that, where, prior to 1st January 1931, a genus was established without a designated or indicated type species and where in the synonymy cited for one, but not more than one, of the included nominal species there was cited a name which, prior to 1758, had been published as a univerval specific name and that name consists of the same word as the name of the new genus to which the species in question was referred, the nominal species under which the pre-1758 tautonymous univerval specific name was cited as a synonym is the type species of the genus by absolute tautonymy.

38. Consequent upon the adoption of the foregoing decision, the portions of *Opinion* 16 which contained interpretations of Articles of the *Règles* [i.e. the whole of the Ruling given in this *Opinion* other than that relating to the names cited as examples] were repealed for interpretative purposes, that is to say, for all except historical purposes (1950, *Bull. zool. Nomencl.* 4 : 165—166).



## APPENDIX 2

**ACTION TAKEN BY THE THIRTEENTH INTERNATIONAL  
CONGRESS OF ZOOLOGY, PARIS, 1948, IN REGARD  
TO THE MATTERS DEALT WITH BY THE INTER-  
NATIONAL COMMISSION ON ZOOLOGICAL  
NOMENCLATURE IN THE "DECLARATIONS"  
("DECLARATIONS" 1 TO 9) BASED UPON  
RESOLUTIONS ADOPTED BY IT IN THE  
PERIOD UP TO THE END OF ITS SESSION  
HELD AT PADUA IN 1930**

By FRANCIS HEMMING, C.M.G., C.B.E.,

*Secretary to the International Commission on Zoological  
Nomenclature*

In the year 1943 a review of the whole of the records of the Sessions held by the International Commission on Zoological Nomenclature at successive International Congresses of Zoology was undertaken by the Office of the Commission for the purpose of cataloguing the Resolutions on various subjects affecting zoological nomenclature which had at different times been adopted by the International Commission. Two of these Resolutions (those relating respectively to the Code of Ethics and the grant to the Commission of Plenary Powers) were well known, having commonly been printed with the unofficial versions of the Code published at various dates during the inter-war years, but the remainder had for the most part fallen into oblivion. In order to remedy this situation, it was decided formally to incorporate all the Resolutions in question as units in a new series to which the term "Declaration" was assigned.

2. The total number of Resolutions of a general character which had been adopted up to, but not including, the Session held by the Commission at Lisbon in 1935 which, under the foregoing decision, required to be embodied in *Declarations*, amounted to nine. Of these, five had been adopted by the

Commission at its Session held in Monaco in 1913, three at its Session held at Budapest in 1927, and one at its Session held at Padua in 1930. These Resolutions were accordingly embodied in *Declarations* 1 to 9. These *Declarations* were rendered on various dates in 1943 and all were published in that year with the exception of *Declaration* 9 which did not appear until May 1944. In view of the fact that the Resolutions embodied in these *Declarations* had all been adopted by the Commission during the period covered by the publication of *Opinions* 1—133, it was decided to publish these *Declarations* in volume 1 of the present work, that being the volume reserved for the re-publication of the foregoing *Opinions*. At the same time the title of the work was adjusted to the new situation by the addition of the words “and Declarations” after the word “Opinions”.

3. The subject matter of the foregoing *Declarations* was reviewed by the International Commission at its Session held in Paris in 1948, and the greater part of the Rulings given in these *Declarations* was then, on the advice of the Commission, incorporated into the *Règles* by the Thirteenth International Congress of Zoology. It is considered that it would be undesirable to close the present volume without furnishing an account of the action so taken by the Paris Congress. It has accordingly been decided to include particulars of the action so taken in the present Appendix.

### Declaration 1

#### “Code of Ethics to be observed in the re-naming of homonyms”

4. *Declaration* 1, which embodied a Resolution adopted by the International Commission at its Session held at Monaco in 1913, was designed to discourage the precipitate re-naming of junior homonyms until the original author himself had had an opportunity of publishing a new name for the taxon concerned. At

its Session held at Lisbon in 1935 the Commission had under consideration a request that it should assume powers to take disciplinary action in the case of serious infringements of the Code of Ethics adopted at Monaco. The Commission took the view, however, that the assumption of such powers lay outside the scope of the duties which it was fitted to discharge. It accordingly refused to undertake the additional duties proposed. At the same time the Commission reaffirmed its full support for the Resolution prescribing the Code of Ethics which it had adopted in 1913. The supplementary decision so taken by the Commission at its Lisbon Session was later promulgated as *Declaration 12* (1944, *Ops. Decls. int. Comm. zool. Nomencl.* 2 : xvii—xxiv).

5. At Paris in 1948 the Commission recommended, and the Congress agreed, that a new Article should be inserted in the *Règles* embodying the substance of the Resolutions relating to the Code of Ethics previously promulgated in *Declarations 1* and *12*. The text of the decision so taken was as follows (1950, *Bull. zool. Nomencl.* 4 : 167) :—

That there should be inserted in the *Règles* an Article laying it down that, when a worker notices that a generic or subgeneric name or a name of a species, subspecies or infra-subspecific form published as a new name by an author who is alive at the time of the foregoing discovery is invalid by reason of being a homonym and requires to be replaced, the author making such a discovery should notify the author by whom the name in question was published and, before himself publishing a substitute name, should, so far as practicable, give the original author an opportunity of so doing, it being made clear that the observance of the foregoing provision is a matter to be left to the proper feelings of individual workers, it not being part of the duties of the International Commission on Zoological Nomenclature to investigate or pass judgment upon alleged contraventions of this provision.

6. Consequent upon the adoption of the foregoing decision, *Declarations 1* and *12* were repealed in 1948 for all except historical purposes (1950, *Bull. zool. Nomencl.* 4 : 171).

**Declaration 2**

**“ On the importance of avoiding the issue of authors’ reprints or separates in advance of the publication of the work or journal in which the paper in question is to be published ”**

7. *Declaration 2*, which embodied a Resolution adopted by the International Commission at its Session held in Monaco in 1913, was designed to discourage the issue of pre-prints of papers containing new names, this being a practice which experience had shown was calculated to lead to confusion and which invariably led to bibliographical difficulties. Already by the time of the adoption of the Resolution later embodied in *Declaration 2*, the Commission had received an application dealing with an individual case in which a name (*Amphimerus* Barker) for a new genus of Trematodes had appeared in a pre-print distributed in advance of the publication of the paper concerned. The decision of the Commission in this case was embodied in *Opinion 59*, which was published in March 1914 (*Smithson. Publ.* 2256 : 140—143). In the Ruling given in this *Opinion* the Commission did not give an interpretation of the *Règles* on the question of principle involved, but contented itself with directing that the name *Amphimerus* Barker ranked for purposes of priority from the date on which the paper containing this name was published in a regular fashion and not from the earlier date on which it had been given an irregular currency through the distribution of pre-prints of Barker’s paper.

8. At Paris in 1948 the Commission recommended, and the Congress agreed, (a) that the question of principle raised implicitly in *Opinion 59* should be dealt with by the insertion of a new substantive provision in the *Règles*, and (b) that the Resolution embodied in *Declaration 2* should be dealt with by the insertion in the *Règles* of a *Recommandation* deprecating the issue of pre-prints. The following are the texts of the decisions so taken :—

- (a) *Decision by the Paris Congress to insert in the “ Règles ” a mandatory provision prescribing that a name appearing in a pre-print of a paper printed for publication in a serial*

*publication does not acquire any rights under the Law of Priority through the distribution of that pre-print (1950, Bull. zool. Nomencl. 4 : 146) :*

That words should be inserted in the *Règles* to make it clear :—

.....

that, where a new name appears in a paper published in a book or serial and separates of that paper are distributed in advance of the publication of the paper concerned, the new name ranks for the purposes of the Law of Priority not from the date of the distribution of the separates but from the later date on which the paper was actually published either in that book or serial or elsewhere.

(b) *Decision by the Paris Congress to insert in the “ Règles ” a “ Recommandation ” embodying the substance of the Ruling given in “ Declaration ” 2 (1950, Bull. zool. Nomencl. 4 : 167) :*

That there should be added to the portion of Article 25 in which the decision given in *Opinion 59* was to be embodied a *Recommandation* urging editors not to make available, and authors not to distribute, copies of papers prior to those papers being actually published in the book or serial for inclusion in which they had been printed.

9. Consequent upon the adoption of the foregoing decisions, the portions of *Opinion 59* containing an interpretation of Article 25 of the *Règles* (i.e. the whole of that *Opinion* other than the part relating expressly to the date of publication of the generic name *Amphimerus* Barker) were repealed for all except historical purposes (1950, *Bull. zool. Nomencl.* 4 : 165—166). At the same time *Declaration 2* was repealed for all except historical purposes (1950, *ibid.* 4 : 171).

### Declaration 3

**“ On the importance of giving a clear indication of the date of issue of every zoological publication ”**

10. *Declaration 3*, which embodied a Resolution adopted by the International Commission in Monaco in 1913, was designed

to encourage editors of zoological publications to give a clear indication (year, month, day) of publication of the book or part concerned. At its Session held at Budapest in 1927 the Commission reverted to this subject and adopted a supplementary Resolution setting out in rather greater detail the procedure which it desired editors to follow in recording the dates of publication of parts of serial publications. The Resolution so adopted was later embodied in *Declaration 8*.

**11.** At Paris in 1948 the Commission recommended, and the Congress agreed, that the subject matter of the Resolutions embodied in *Declarations 3 and 8* should be combined in a single *Recommandation* to be inserted in the *Règles*. The text of the decision so taken was as follows (1950, *Bull. zool. Nomencl.* **4** : 170) :—

That there should be added at some appropriate point in the *Règles* a *Recommandation* urging every editor or other person concerned with the publication of a book or serial concerned with zoology to take all necessary steps to ensure :—

- (a) that its exact date of publication (year, month, day) be clearly stated in every zoological work ;
- (b) that, in the case of serials and separate works published in parts, each part shall bear its exact date of publication and that on the completion of the volume concerned there shall be added a statement giving the date on which each part was published and specifying its exact contents (both pages and plates).

**12.** Consequent upon the adoption of the foregoing decision, *Declarations 3 and 8* were repealed for all except historical purposes (1950, *Bull. zool. Nomencl.* **4** : 171).

#### Declaration 4

**“ On the need for avoiding intemperate language in discussions on zoological nomenclature ”**

**13.** *Declaration 4* embodied a Resolution which at its meeting held in Monaco in 1913 the Commission considered it opportune

to adopt in view of the bitterness with which certain of the controversies of that day had been pursued. At its Session held in Paris in 1948 the Commission recommended, and the Congress agreed, that a new Article should be inserted in the *Règles* embodying and somewhat extending the condemnation of the use of intemperate language in the discussion of problems of zoological nomenclature. The text of the decision so taken was as follows (1950, *Bull. zool. Nomencl.* 4 : 167) :—

That there should be inserted in the *Règles* an Article laying it down that the use of intemperate language is to be avoided in the discussion of zoological nomenclature.

14. Consequent upon the adoption of the foregoing decision, *Declaration 4* was repealed for all except historical purposes (1950, *Bull. zool. Nomencl.* 4 : 171).

### Declaration 5

**“ On the grant to the International Commission on  
Zoological Nomenclature of Plenary Powers to  
suspend the Rules in certain cases ”**

15. *Declaration 5* embodied the Resolution—perhaps the most important and certainly the most widely known ever adopted by the International Congress of Zoology in the field of nomenclature—under which the Ninth International Congress at Monaco in 1913 conferred upon the Commission Plenary Powers to suspend in the normal provisions of the *Règles* under certain conditions in the interests of nomenclatorial stability.

16. By the time that the Commission held its Session in Paris in 1948 it was widely felt by zoologists that the stage had been reached at which it was desirable that the provisions of the Plenary Powers Resolution should be reviewed in detail, experience having shown that certain of the conditions attaching to the

use of those Powers were either unduly restrictive or for other reasons no longer appropriate. In view of the importance of this subject and of the great interest felt in it by zoologists, special arrangements were made for a full and detailed discussion of the issues involved. The first of these discussions took place at a Public Meeting of the International Commission held on Wednesday, 21st July 1948 (1950, *Bull. zool. Nomencl.* **4** : 51—56), the second at a meeting of the Section on Nomenclature of the Thirteenth International Congress of Zoology held jointly with the International Commission on Friday, 23rd July 1948 (1950, *ibid.* **5** : 5—13). The principal modifications of the Plenary Powers procedure then agreed upon were :—(1) the reduction from twelve to six months of the prescribed period of Public Notice of applications involving the possible use of the Plenary Powers ; (2) the deletion of the provision that Public Notice be given to not less than two of five specified serial publications and the substitution therefor of a provision requiring that such Notice be given in the *Bulletin of Zoological Nomenclature* and to two other serial publications, of which one shall be a serial published in Europe and the other a serial published in America, the serials in question to be designated from time to time by the Secretary to the Commission ; (3) the repeal of the provision requiring absolute unanimity in any vote taken on an application involving the use of the Plenary Powers in order to secure the adoption of the proposal so submitted and the substitution therefor of a provision prescribing that an affirmative vote by two-thirds of the Members of the Commission voting (i.e. two affirmative votes out of every three votes cast) be sufficient to secure the adoption of any proposal involving the use of the Plenary Powers ; (4) the insertion in the *Règles* of a new Article providing for the use by the International Commission of the Plenary Powers specified in *Declaration 5*, subject to the revised conditions prescribed by the Paris Congress.

17. The repeal of the provision in *Declaration 5* enshrining the ancient *Liberum Veto* and the reduction in the period of Public Notice to be prescribed were the first of the proposals relating to Plenary Powers to be considered. The following is the text of the decisions taken (1950, *Bull. zool. Nomencl.* **4** : 50—51) :—

That both at meetings of the Commission and, when during intervals between such meetings, decisions need to be taken by the Commission



either in regard to the interpretation or possible amendment of the *Règles* or in regard to the application of the *Règles* in individual cases :—

- (a) A proposed *Opinion* not involving the use by the Commission of their Plenary Powers to suspend the *Règles* shall be adopted as the *Opinion* of the whole Commission when all the members of the Commission have voted thereon or when, after a period of six months calculated from the date of despatch by the Secretary to the Commission of voting papers in regard to the proposed *Opinion*, not less than one-fourth of the total number of members of the Commission, calculated by reference to the number of such members as at the date on which the voting papers were so despatched, record their votes on the said proposal or, without voting, signify their willingness to support the view, or the majority view, of other members of the Commission, provided that, where the voting is not unanimous, the number of affirmative votes, including any conditionally affirmative votes cast in the manner indicated above, exceeds the number of negative votes cast.
- (b) A proposed *Opinion* involving the use by the Commission of their Plenary Powers to suspend the *Règles* or a proposed *Declaration* containing a recommendation to the International Congress of Zoology in favour of any change in, or addition to, the *Règles* shall be adopted as the *Opinion* or *Declaration* of the whole Commission in like conditions to those specified in (a) above, save that every such proposed *Opinion* or *Declaration* shall require to receive at least two affirmative votes, including affirmative votes conditionally cast in the manner indicated in (a) above, out of every three votes cast, in order to secure its adoption by the Commission.

18. The remainder of the proposals relating to the Plenary Powers provisions were considered immediately after the decisions on voting procedure quoted in the immediately preceding paragraph had been reached. At the close of this second portion of the discussion a decision was taken which not only covered the matters dealt with in that discussion but in addition subsumed also the decision previously reached on voting procedure. The following is the text of the decision so taken (1950, *Bull. zool. Nomencl.* 4 : 55—56) :—

That the following amendments be made in the Resolution adopted by the International Congress of Zoology at its meeting held at Monaco in 1913, under which the Congress conferred Plenary Powers upon the International Commission on Zoological Nomenclature to

suspend the *Règles*, as applied to any given case, where, in the opinion of the Commission, the strict application of the *Règles* would clearly result in greater confusion than uniformity :—

- (a) *Article 1, First Proviso* : (i) the period of notice to be reduced from twelve months to six months : (ii) the words “ in any two or more . . . and the *Zoologischer Anzeiger* ” to be deleted and the following words inserted in their place : “ in the *Bulletin of Zoological Nomenclature* and in two other serials, of which one is to be a serial published in Europe and the other a serial published in America, the serials in question to be selected on each occasion by the Secretary to the Commission as being, in his opinion, the serials in which publication of the notice is best calculated to bring the subject matter of the notice to the attention of interested specialists ” ; (iii) words to be inserted to make it clear that the period of six months referred to in (i) above runs from the date on which the notice relating to any given case is published in the *Bulletin of Zoological Nomenclature* ;
  - (b) *Article 1, Second Proviso* : the words “ provided also that the vote in the Commission is unanimously in favour of suspension ” to be deleted and words to be inserted in their place specifying that the vote in the Commission is to be either unanimous or, if by a majority, by a majority calculated in the manner agreed upon by the Commission in their revised voting procedure ;
  - (c) *Article 1, Third Proviso* : to be deleted ;
  - (d) *Article 2* (“ *That in the event that a case . . . is concerned* ”) : (i) this Article to be deleted ; but (ii) words to be inserted at some appropriate point in the revised text embodying the proposition laid down in the last sentence of this Article, namely that a decision taken by the Commission under their Plenary Powers is final and not subject to appeal ;
  - (e) *Articles 3 and 4* : to be renumbered 2 and 3 respectively ;
- (2) to recommend that the provisions contained in the Plenary Powers Resolution of 1913, amended as shown in (1) above, be incorporated in an Article in the *Règles* ;

19. Consequent upon the adoption of the foregoing decision, *Declaration 5* was repealed for all except historical purposes (1950, *Bull. zool. Nomencl.* 4 : 171).

20. The question of the Plenary Powers of the International Commission on Zoological Nomenclature was considered also in 1953 by the Fourteenth International Congress of Zoology, Copenhagen, when engaged upon a general survey of means for promoting greater stability in zoological nomenclature. As part of its policy for furthering that object, the Copenhagen took two decisions affecting the Plenary Powers. First, it inserted in the Preamble then affixed to the *Règles* an express reference to the Plenary Powers as part of the machinery provided for promoting stability and universality in zoological nomenclature. Second, it made certain extensions in the Plenary Powers by removing restrictive phraseology adopted at the time of the original grant of those Powers to the Commission by the Ninth International Congress of Zoology at Monaco in 1913. The following is the text of the decisions so taken by the Copenhagen Congress :—

(a) *Addition to the “ Règles ” of a Preamble emphasising the objectives of stability and universality and in this connection making express reference to the Plenary Powers (1953, Copenhagen Decisions zool. Nomencl. : 22, Decision 19) :*

19. *Preamble to the “ Règles ” to emphasise the objective of stability and universality :* The Colloquium recommends that the *Règles* should be preceded by the following Preamble :

- (1) The object of the *Règles Internationales de la Nomenclature Zoologique* is to provide a system for the naming of taxonomic groups of animals, under which the name for each unit is unique and distinctive.
- (2) It is also a primary purpose of the *Règles* to ensure that those names shall be both stable and universally accepted. When either of these objects is threatened by the application of any part of these *Règles* in an individual case, the Plenary Powers of the International Commission on Zoological Nomenclature afford relief.
- (3) The *Règles* do not trespass in any way on the freedom of taxonomic thought or practice.

- (b) *Amendments to the provisions relating to the Plenary Powers* (1953, *Copenhagen Decisions zool. Nomencl.* : 22—23, *Decision 20*) :

20. *Amendments to the provisions relating to the Plenary Powers* : The Colloquium recommends that the provision based upon the Monaco Resolution of 1913 (see 1943, *Ops. Decls. int. Comm. zool. Nomencl.* 1 : 31—40) embodying the Plenary Powers granted to the International Commission on Zoological Nomenclature, which was incorporated into the *Règles* in Paris in 1948 (1950, *Bull. zool. Nomencl.* 4 : 56), should be amended in the two following respects :—

- (1) In the portion of the first Article which provides that the International Commission on Zoological Nomenclature should have power to suspend the *Règles* as applied to any given case, “ where, in its judgment, the strict application of the *Règles* will clearly result in greater confusion than uniformity ”, the phrase cited above in quotation marks should be replaced by the words “ for the purpose of preventing confusion and of promoting a stable and universally accepted nomenclature ”.
- (2) In the third Article of the Plenary Powers provision which provides that these Powers are to be applied “ in the first instance and especially to cases of the names of larval stages and the transference of names from one genus or species to another ”, the words “ the names of larval stages and ” should be deleted.

### Declaration 6

**“ On the need for new names to be clearly indicated as such on their first publication and on the need for avoiding the publication of names as new on more than one occasion ”**

21. *Declaration 6*, which was adopted by the International Commission at its Session held at Budapest in 1927, dealt with two subjects which, though allied (in the sense that both are concerned with action to be taken at the time of the publication of new names), are nevertheless entirely distinct. When the subject matter of this *Declaration* came to be considered by the Commission at its Session held in Paris in 1948, the two subjects involved were treated separately,

22. The question relating to the indication of names as new at the time of their first publication is a general one and applies to names published for all the categories recognised by taxonomists. At Paris consideration of this subject was given first to names published for species and taxa of lower rank, this subject arising in the course of the discussion of proposals for instituting a series of rules for the regulation of names for infra-subspecific names. When later the present *Declaration* came to be dealt with, consideration was given to the same problem in relation to the publication of new names for taxa of the family-group and for generic and subgeneric names. The proposal submitted to, and approved by, the Congress was that a *Recommandation* should be inserted at some appropriate point in the *Règles* urging authors publishing names for new taxa clearly to indicate that those names were new names. The following is the text of each of the two parts of which the decision taken by the Paris Congress is composed :—

*Decision by the Thirteenth International Congress of Zoology  
on the subject of the need for indicating that names  
published for new taxa are new names*

(a) *Decision in relation to names for species and taxa of  
lower rank (1950, Bull. zool. Nomencl. 4 : 92)*

That the *Recommandations* referred to in (6) above [i.e. the *Recommandations* which it was then agreed to insert in the *Règles* for the purpose of securing as high a standard as possible in the operation of the new provisions relating to the naming of infra-subspecific forms] should strongly recommend :—

- (a) that an author, when publishing a trivial name for a previously unnamed subspecies, should cite that name in a trinomial combination (consisting of (1) the generic name, (2) the specific trivial name<sup>2</sup>, and (3) the subspecific trivial name) and should add, immediately after the subspecific trivial name, the expression “ssp. n.” or some equivalent expression, thereby indicating both that the name is a new name and that it is intended to apply to a subspecies ;

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<sup>2</sup> See footnote 1.

- (b) that an author, when publishing a trivial name for a previously unnamed infra-subspecific form, should (1) cite the specific name (consisting of a binominal combination of the generic name and the specific trivial name) of the species concerned or, if the form is described as a form of a subspecies only, the name of that subspecies (consisting of a trinominal combination of the generic name and the specific and subspecific trivial names of the subspecies concerned), (2) insert after the specific or subspecific trivial name, as the case may be, a comma followed by an expression indicating the status attributed to the form in question (e.g. an expression such as "form. vern.", "♀-form," or "ab."), and (3) add the name of the new infra-subspecific form, followed by the expression "form. n." or some equivalent expression, thereby indicating both that the name is a new name and that it is intended to apply to an infra-subspecific form ;

(b) *Decision in relation to names for taxa belonging to the family-group and for genera, subgenera and species* (1950, *Bull. zool. Nomencl.* 4 : 169)

- (1) that there should be added at some appropriate point in the *Règles a Recommandation* urging every author, when publishing a new Family or Sub-Family name clearly, to indicate that that name is a new name by inserting immediately after that name a comma followed by the expression "fam.n." or sub-fam.n.", as the case may be, or some equivalent expression ;
- (2) that there should be added to the *Règles a Recommandation* urging every author, when publishing a new generic or sub-generic name or a new specific name, clearly to indicate that that name is a new name by inserting immediately after that name a comma followed by the expression "gen.n.", "subgen.n.", "sp.n.", as the case may be, or some equivalent expression.

**23.** On the question of the avoidance of publishing a name as a new name on more than one occasion the Commission recommended, and the Congress agreed, that a *Recommandation* in the sense of the second part of *Declaration 6* should be inserted in the *Regles*. The following is the text of the decision so taken (1950, *Bull. zool. Nomencl.* 4 : 169) :—

That there should be added at some appropriate point in the *Règles a Recommandation* or *Recommandations* urging every author, when publishing a new name belonging to a category recognised in the

*Règles*, i.e. a new name for any category from Family to infra-subspecific form (both inclusive), (a) not to publish that name as a new name in more than one book or paper and (b) not to publish in more than one serial a paper containing a new name, without indicating on the second, or any subsequent, occasion that the paper in question had already been published and giving a bibliographical reference to the serial in which that paper had been first published.

24. Consequent upon the adoption of the foregoing decisions, *Declaration 6* was repealed for all except historical purposes (1950, *Bull. zool. Nomencl.* 4 : 171).

### Declaration 7

**“ On the need for quoting bibliographical or other references  
for all names cited in zoological works ”**

25. *Declaration 7* embodied a Resolution adopted by the International Commission at its Session held at Budapest in 1927. The subject matter of this *Declaration* was considered by the Commission at its Session held in Paris in 1948 and on its recommendation the Thirteenth International Congress of Zoology inserted in the *Règles* a provision embodying the substance of the Ruling given in this *Declaration*. The following is the text of the decision so taken (1950, *Bull. zool. Nomencl.* 4 : 170) :—

That there should be added at some appropriate point in the *Règles* a provision urging every author who cites a generic, subgeneric, specific, subspecific or infra-subspecific name to insert at least once in the paper concerned the name of the author, and the date of publication, of each name cited or preferably to give a full bibliographical reference to the original place of publication of every such name.

26. Consequent upon the adoption of the foregoing decision, *Declaration 7* was repealed for all except historical purposes (1950, *Bull. zool. Nomencl.* 4 : 171).

**Declaration 8**

**“ On the need for giving in the case of zoological journals a clear indication of the date of publication of each number or part ”**

27. As has been explained earlier in the present paper (paragraph 10), the Ruling given in *Declaration 8* was in the nature of a supplement to that previously given in *Declaration 3* and in consequence these two *Declarations* were considered together by the Commission in Paris in 1948, when a single decision was taken covering the subject of both these *Declarations*. The text of the decision so taken has been given in paragraph 11 of the present paper.

**Declaration 9**

**“ On the desirability of Universities including zoological nomenclature in their courses of general and systematic zoology ”**

28. *Declaration 9* embodied a Resolution adopted by the International Commission at its Session held at Padua in 1930. The subject matter of this *Declaration* differs from that of the previous *Declarations* in that it is of a general character and does not deal with any actual provision in the *Règles*. Accordingly, when in Paris in 1948 the Commission came to codify the Rulings given in the *Declarations* rendered up to that date, it took the view that this *Declaration*, “ being in the nature of a statement of policy ” was “ not of a kind which could appropriately be incorporated in the *Règles* ” (1950, *Bull. zool. Nomencl.* 4 : 166). At the Thirteenth International Congress of Zoology held in Paris concurrently with the Session of the Commission at which this decision was taken it was decided that in future the “ *Declarations* ” Series should be reserved for the recording of Rulings



regarding the interpretation of provisions in the *Règles* given by the International Commission during inter-Congress periods, pending the definitive approval of those Rulings by the next International Congress of Zoology (1950, *Bull. zool. Nomencl.* **4** : 135—137). In order to enable the new series of *Declarations* to be started unencumbered by *Declarations* rendered under the previous system, it was decided that the present *Declaration* should be treated in the same manner as that adopted for its predecessors, that is, that it should be repealed for all except historical purposes (1950, *Bull. zool. Nomencl.* **4** : 171).



## APPENDIX 3

**ACTION IN REGARD TO INDIVIDUAL NAMES OR BOOKS  
CITED IN "OPINIONS" 1 TO 16 TAKEN BY THE  
INTERNATIONAL COMMISSION ON ZOOLOGICAL  
NOMENCLATURE IN THE PERIOD 1948-1955**

By **FRANCIS HEMMING**, C.M.G., C.B.E.,  
*Secretary to the International Commission on  
Zoological Nomenclature*

In the case of four of the *Opinions* dealt with in the present volume (*Opinions* 5, 11, 13, 16) individual names or books either cited in the Ruling or otherwise involved in the *Opinion* concerned have been the subject of individual action by the International Commission on Zoological Nomenclature in the period 1948—1955. Particulars of the action so taken are given in the following paragraphs.

- (a) **Rejection for nomenclatorial purposes of Nozeman & Vosmaer, 1758, "Geslachten der Vogelen", a Dutch translation of Moehring's pre-Linnean work entitled "Avium Genera" published in 1752 (a case arising in connection with "Opinion" 5)**

2. Annexed as a footnote to an Editorial Note (Note 4) to the re-issue in the present volume of *Opinion* 5 there appeared (: 121—122) a Report by Dr. Karl Jordan on the type of nomenclature employed by Nozeman (C.) & Vosmaer (A.) in 1758 in the work entitled *Geslachten der Vogelen*, a Dutch translation of the pre-Linnean work *Avium Genera* published by Moehring in 1752. Dr. Jordan's Report was considered by the Commission in Paris in 1948 and it was then decided that an *Opinion* should be rendered rejecting Nozeman & Vosmaer's book for nomenclatorial purposes. This decision was later embodied

in *Opinion* 241 (1954, *Ops. Decls. int. Comm. zool. Nomencl.* 5 : 13—22). In the same *Opinion* the title of the above work was placed on the *Official Index of Rejected and Invalid Works in Zoological Nomenclature*.

- (b) Addition to the “ Official List of Works Approved as Available for Zoological Nomenclature ” of the title of Latreille’s “ *Considérations générales sur l’Ordre naturel des Animaux composant les Classes des Crustacés, des Arachnides et des Insectes* ” published in 1801 (supplement to “ Opinions ” 11 and 136)

3. In the re-issue in the present volume of *Opinion* 11 (relating to the interpretation for the purposes of Rule (g) in Article 30 of the *Table des Genres avec l’espèce qui leur sert de Type* annexed to Latreille (P.A.), 1810, *Considérations générales sur l’Ordre naturel des Animaux composant les Classes des Crustacés, des Arachnides et des Insectes*) attention was drawn in Note 2 of the Editorial Notes (: 185) to the fact that closer inspection of Latreille’s *Considérations générales* had made it necessary to seek from the Commission a clarification of the Ruling given in *Opinion* 11 and that this had later been given by the Commission in its *Opinion* 136 (published in 1939). In 1954 the Commission reviewed the Rulings given in volume 2 of the present series (the volume in which *Opinion* 136 was published) for the purpose of complying with the General Directive issued to it by the Thirteenth International Congress of Zoology, Paris, 1948, that *Opinions* rendered before the meeting of that Congress be re-examined for the purpose of ensuring that the whole of the action required had been taken in the Rulings given in the *Opinions* concerned. In this review the Commission placed the title of Latreille’s *Considérations générales* on the *Official List of Works Approved as Available in Zoological Nomenclature* with a note setting out the Ruling given in *Opinion* 11 as clarified by that given in *Opinion* 136. This decision was embodied in *Direction* 4 published in October 1954 (*Ops. Decls. int. Comm. zool. Nomencl.* 2 : 629—652).

- (c) **Rejection of the edition of Catesby's "Natural History of Carolina" by George Edwards published in 1771, subject to an exception in favour of the Linnean "Concordance" annexed to that work (clarification of a decision given implicitly in "Opinion" 13)**

4. In the "Discussion" in *Opinion* 13 the name *Cancer arenarius* used for the Sand Crab in the edition of Catesby's pre-Linnean work entitled *Natural History of Carolina* published by George Edwards in 1771 was rejected on the ground that this work did not satisfy the requirements prescribed by *Opinion* 5. The Ruling given in *Opinion* 13 as to the oldest available name for the Sand Crab was based upon the assumption that the Edwards edition of Catesby's *Natural History* was unavailable for nomenclatorial purposes but no reference to this subject was made in the Ruling ultimately adopted for this *Opinion*. In Note 3 of the Editorial Notes attached to the re-issue of *Opinion* 13 in the present volume (: 213—215) attention was drawn to the fact that, although the foregoing edition had been implicitly rejected by the Commission in *Opinion* 13, it was later suppressed under the Plenary Powers in *Opinion* 89, subject to a reservation in favour of the *Concordance* of the names used in the *Natural History* with the names applicable to those species under the Linnean system. For reasons fully explained in later Sections of the Editorial Notes referred to above, the conclusion was reached that the only practicable course would be for the Commission to adopt a completely revised *Opinion* in place of *Opinion* 13. It was accordingly recommended that at the time that *Opinion* 13 was cancelled and replaced in the manner proposed, separate *Opinions* should be rendered clarifying the status of names in the Edwards edition of Catesby's *Natural History* and dealing also with certain other matters which required to be clarified before a definitive Ruling could be given in regard to the specific name properly applicable under the *Règles* to the Sand Crab. It was recommended that the first of these *Opinions* should contain a Ruling rejecting the Edwards edition of Catesby's *Natural History*, subject to the reservation in favour of the Linnean *Concordance*, as had been agreed upon in *Opinion* 89. This proposal was approved by the Commission in Paris in 1948 and the decision so taken was later embodied in *Opinion* 259 (1954, *Ops. Decls.*

*int. Comm. zool. Nomencl.* 5 : 253—264). At the same time the title of the Edwards edition of Catesby's *Natural History of Carolina*, less the *Linnean Concordance*, was placed on the *Official Index of Rejected and Invalid Works in Zoological Nomenclature* and the *Linnean Concordance* in the foregoing work was placed upon the *Official List of Works Approved as Available for Zoological Nomenclature*.

**(d) Rejection of the work by Meuschen (F.C.), published in 1778 under the title "Museum Gronovianum" (clarification of a problem involved in "Opinion" 13)**

5. In Note 7 of the Editorial Notes attached to the re-issue of *Opinion* 13 in the present volume, attention was drawn (: 219—227) to the fact that one of the assumptions adopted implicitly, though not explicitly, in the Ruling given in the foregoing *Opinion* was that the work by Meuschen (F.C.) published in 1778 under the title *Museum Gronovianum* was not a work which satisfied the requirements of Article 25 of the *Règles*. This led to an investigation of the status of the above work, the results of which were embodied in the Note 7, to which were annexed facsimile reproductions of two pages of the *Museum Gronovianum*. This investigation fully bore out the conclusions implicitly adopted in *Opinion* 13. It was accordingly recommended in Note 8 (: 231) that an *Opinion* should be rendered by the Commission rejecting Meuschen's *Museum Gronovianum* of 1778 for nomenclatorial purposes. This proposal was approved by the Commission at its Session held in Paris in 1948. Later, the decision so taken was embodied in *Opinion* 260 (1954, *Ops. Decls. int. Comm. zool. Nomencl.* 5 : 265—280). At the same time the title of Meuschen's *Museum Gronovianum* was placed on the *Official Index of Rejected and Invalid Works in Zoological Nomenclature*.

**(e) Adoption of a revised Ruling as to the oldest available specific name for the Sand Crab**

6. In the light of the conclusions reached in regard to the status of names in Meuschen's *Museum Gronovianum*, the conclusion was reached in Note 8 of the Editorial Notes annexed

to the re-issue of *Opinion* 13 in the present volume (: 227—232) that, contrary to the statement in the Ruling (i.e. in the so-called "Summary") given in *Opinion* 13, the oldest available name for the Sand Crab was *Cancer quadratus* Fabricius, 1787. A recommendation was thereupon submitted that *Opinion* 13 should be cancelled and that a revised *Opinion* ruling that the above was the oldest available name for the Sand Crab should be adopted in its place. This proposal was considered by the Commission at its Session held in Paris in 1948. At the same time also the Commission considered a proposal (Z.N.(S.) 311) which had been submitted to it in favour of the rejection for nomenclatorial purposes of the *Index* to Gronovius' *Zoophylacium Gronovianum* published in 1781. This proposal, though submitted independently, had a bearing upon the problem of the oldest available name for the Sand Crab, since, as had been pointed out to the Commission by Dr. Fenner A. Chace, Jr. (*Washington, D.C.*), if the foregoing *Index* were acceptable for nomenclatorial purposes, the name *Cancer quadratus*, as published in it, would render the name *Cancer quadratus* Fabricius, 1787, invalid as a junior homonym.

7. As a first step, the Commission considered the application submitted in regard to the status of Meuschen's *Index* to the *Zoophylacium Gronovianum*. On this, the Commission decided that on the evidence submitted it was clear that in the foregoing work Meuschen had not applied the principles of binominal nomenclature and therefore that the work concerned did not satisfy the requirements of Article 25 of the *Règles*. Later, this decision was embodied in *Opinion* 261 (*Ops. Decls. int. Comm. zool. Nomencl.* 5 : 281—296). At the same time the title of the above work was placed on the *Official Index of Rejected and Invalid Works in Zoological Nomenclature*.

8. Having thus cleared up the status of the three books which were involved in the present case, the Commission found itself in a position to consider the question of the oldest available specific name for the Sand Crab. First, the Commission placed on record that, even if (as it had decided was not the case) the Edwards (1771) edition of Catesby's *Natural History of Carolina* had been a nomenclatorially available work, the name *Cancer*

*arenarius* used in it for the Sand Crab would not have been the oldest available name for that species, for that name was a junior homonym of the long-overlooked name *Cancer arenarius* Toreen, 1765. The species to which Toreen's name was applicable had not been determined, but it was evident both from his description of it and from the locality in which his material was taken that that species was certainly not the Sand Crab. The Commission thereupon decided that the oldest available name for that species was *Cancer quadratus* Fabricius, 1787. Having in this way determined what was the position under the *Règles*, the Commission decided that it was desirable that, before an *Opinion* was rendered in the foregoing sense, a further opportunity should be provided to specialists to express a view on the question whether, having regard to the long period which had elapsed since the publication of *Opinion* 13, in which it had been provisionally ruled that *Oxypoda albicans* Bosc, [1801—1802], was the oldest available name for the Sand Crab, it was desirable that the Commission should use its Plenary Powers for the purpose of validating the specific name *albicans* Bosc by suppressing its senior subjective synonym *quadratus* Fabricius, 1787. The Commission accordingly agreed that no *Opinion* should be prepared in this case until after the expiry of a period of six months from the date of the publication of the Official Record of the decisions taken by the Commission during its Paris Session. The Commission decided further that, if during the period of six months so provided, no requests were received for the use of the Plenary Powers in favour of the name *albicans* Bosc, an *Opinion* should be rendered setting out the decisions regarding the names *Cancer arenarius* Edwards, 1771, *Cancer arenarius* Toreen, 1765, and *Cancer quadratus* Fabricius, 1787, specified above and placing the name *quadratus* Fabricius, 1787, as published in the combination *Cancer quadratus*, on the *Official List of Specific Names in Zoology*. It was agreed also that the following names should be placed on the *Official Index of Rejected and Invalid Specific Names in Zoology*:—(1) *arenarius* Edwards, 1771, as published in the combination *Cancer arenarius* (a name published in a work rejected for nomenclatorial purposes); (2) *quadratus* Meuschen, 1778, as published in the combination *Cancer quadratus* (a name published in a work rejected for nomenclatorial purposes); (3) *quadratus* Meuschen, 1781, as published in the combination *Cancer quadratus* (a name published in a work rejected for



nomenclatorial purposes). Finally, it was agreed that the Ruling given in *Opinion* 13 should be cancelled as being "incomplete, in part incorrect, and the whole misleading".

9. The time-limit set for the receipt of comments on the above alternatives was repeatedly extended until ultimately after the expiry of over twenty-eight months from the date of the publication of the Official Record of the Paris decision summarised in paragraph 8 above, during which no objection was received to the acceptance of the name *quadratus* Fabricius, 1787, as published in the combination *Cancer quadratus*, as the oldest available name for the Sand Crab, an *Opinion* was rendered declaring that to be the oldest available name for the foregoing species and cancelling *Opinion* 13. The *Opinion* so rendered was *Opinion* 262. This *Opinion* was published in 1954 (*Ops. Decls. int. Comm. zool. Nomencl.* 5 : 297—328).

(f) **Addition of the names "Equus" Linnaeus, 1758 (Class Mammalia), and "Alca" Linnaeus, 1758 (Class Aves), to the "Official List of Generic Names in Zoology" (two names cited in the Ruling given in "Opinion" 16)**

10. In *Opinion* 16, the *Opinion* in which the Commission first enunciated the principle of what has since come to be known as "Linnean tautonymy", the Commission cited two generic names as examples of the names of genera, the type species of which had been determined under the novel extension of Rule (d) in Article 30 propounded in the Ruling given in that *Opinion*. The first of these names was *Equus* Linnaeus, 1758. In this case it was ruled that the type species of the genus so named was *Equus caballus* Linnaeus, 1758, because in the synonymy of that species Linnaeus had cited the pre-1758 univocal species-name "Equus" used in the sense of "The Horse". The other generic name cited in the Ruling given in *Opinion* 16 was *Alca* Linnaeus, 1758. In this case it was ruled that by the citation of the pre-1758 univocal species-name "Alca" used in the sense of "The Alca" in the synonymy of the species *Alca torda* Linnaeus, 1758, the species so named had automatically become the type species

of the genus *Alca* Linnaeus, 1758, under the extended interpretation then given for Rule (d) in Article 30.

**11.** In Note 4 of the Editorial Notes attached to the re-issue of *Opinion* 16 in the present volume (: 279—280) the view was expressed that it was desirable that the foregoing names should be placed on the *Official List of Generic Names in Zoology* with the species cited in *Opinion* 16 as the respective type species of the genera so named. This proposal was approved by the Commission at its Session held in Paris in 1948. The decision so taken was later embodied in *Opinion* 271 (1954, *Ops. Decls. int. Comm. zool. Nomencl.* 6 : 41—50). In the same *Opinion* the specific names *caballus* Linnaeus, 1758, as published in the combination *Equus caballus*, and *torda* Linnaeus, 1758, as published in the combination *Alca torda* (the specific names of the type species of the genera *Equus* Linnaeus, 1758, and *Alca* Linnaeus, 1758, respectively) were placed on the *Official List of Specific Names in Zoology*.

**(g) Designation under the Plenary Powers of a type species for the genus "Echeneis" Linnaeus, 1758 (Class Actinopterygii), in harmony with accustomed usage (supplement to "Opinion" 16 and correction of an error in "Opinion" 92)**

**12.** In Note 6 of the Editorial Notes attached to the re-issue of *Opinion* 16 in the present volume (: 287—297) attention was drawn to the fact that, whereas it had been clearly indicated in the "Discussion" in that *Opinion* that the type species of the genus *Echeneis* Linnaeus, 1758, was *Echeneis remora* Linnaeus, 1758, by Linnean tautonymy (an extension of Rule (d) in Article 30 then enunciated for the first time), the Commission had later in *Opinion* 92 placed this generic name on the *Official List of Generic Names in Zoology* with *Echeneis naucrates* (emend. of *neucrates*) Linnaeus, 1758, as type species. The discovery of the foregoing mistake in *Opinion* 92 led to correspondence with Dr. Ethelwynn Trewavas (London), Dr. C. M. Breder, Jr. (New York) and Dr. Leonard P. Schultz, Dr. Samuel F. Hildebrand, and Dr. Robert R. Miller (Washington, D.C.). This correspondence showed that the specialists concerned were of the opinion that confusion would result if under the normal operation of the *Règles* the

species *Echeneis remora* Linnaeus, 1758, were to be accepted as the type species of the genus *Echeneis* Linnaeus, 1758, and if in consequence the generic name *Echeneis* Linnaeus were to be transferred to the genus currently known by the name *Remora* Gill, 1862. At the conclusion of Note 6 it was accordingly recommended that the Commission should use its Plenary Powers to stabilise the existing position by designating *Echeneis naucrates* (emend. of *neucrates*) Linnaeus, 1758, to be the type species of *Echeneis* Linnaeus.

13. The foregoing proposals were approved by the Commission at its Session held in Paris in 1948. The decision so taken was later embodied in *Opinion* 242 (1954, *Ops. Decls. int. Comm. zool. Nomencl.* 5 : 23—44). By the Ruling given in this *Opinion* the generic name *Echeneis* Linnaeus, 1758, was confirmed in its position on the *Official List* after *Echeneis naucrates* Linnaeus, 1758, had been designated under the Plenary Powers to be the type species of this genus and after a Ruling had been given in favour of the acceptance of the emendation from *neucrates* to *naucrates* of the specific name of the foregoing species. At the same time the generic name *Remora* Gill, 1862, with *Echeneis remora* Linnaeus, 1758, as type species by absolute tautonymy, was placed on the *Official List of Generic Names in Zoology*. Finally, the specific names (*naucrates* Linnaeus, 1758, and *remora* Linnaeus, 1758, as published in each case in combination with the generic name *Echeneis*) of the type species of the foregoing genera were placed on the *Official List of Specific Names in Zoology* and the spelling *neucrates* Linnaeus, 1758, as published in the combination *Echeneis neucrates*, was placed on the *Official Index of Rejected and Invalid Specific Names in Zoology* as being an Invalid Original Spelling for *naucrates*.

(h) Designation under the Plenary Powers of a type species for the genus "Taenia" Linnaeus, 1758 (Class Cestoidea) in harmony with accustomed usage (supplement to "Opinion" 16 and correction of an error in "Opinion" 84)

14. In Note 7 of the Editorial Notes attached to the re-issue of *Opinion* 16 in the present volume (: 297—302) attention was

drawn to the fact that, whereas it had been clearly indicated in the "Discussion" in that *Opinion* that the type species of the genus *Taenia* Linnaeus, 1758, was *Taenia vulgaris* Linnaeus, 1758, by Linnean tautonymy, the Commission had later in *Opinion* 84 placed this generic name on the *Official List of Generic Names in Zoology* with *Taenia solium* Linnaeus, 1758, as type species. The discovery of the foregoing mistake was very disturbing in view of the extensive literature in which *Taenia* Linnaeus had been treated as being typified by the species *Taenia solium* Linnaeus and the fact that *Taenia vulgaris* Linnaeus (the true type species of *Taenia* Linnaeus under the *Règles*), which was identified by specialists with *Taenia lata* Linnaeus, 1758, was currently placed in a different genus (*Dibothriocephalus* Lühe, 1899, or *Diphyllobothrium* Cobbold, 1858). In view of the serious confusion which would clearly result if *Taenia solium* Linnaeus were to be displaced from its position as the recognised type species of *Taenia* Linnaeus, it was recommended at the close of the foregoing Note that the Commission should use its Plenary Powers to designate that species to be the type species of the genus *Taenia* Linnaeus.

15. The foregoing proposal was approved by the Commission at its Session held in Paris in 1948. The decision so taken was later embodied in *Opinion* 272 (1954, *Ops. Decls. int. Comm. zool. Nomencl.* 6 : 51—62). By the Ruling given in this *Opinion* the generic name *Taenia* Linnaeus was confirmed in its position on the *Official List* after *Taenia solium* Linnaeus, 1758, had been designated under the Plenary Powers to be the type species of that genus. At the same time the specific name *solium* Linnaeus, 1758, as published in the combination *Taenia solium* (specific name of type species of *Taenia* Linnaeus, 1758) was placed on the *Official List of Specific Names in Zoology*.

**OPINIONS AND DECLARATIONS  
RENDERED BY THE INTER-  
NATIONAL COMMISSION ON  
ZOOLOGICAL NOMENCLATURE**

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**  
Secretary to the Commission

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**Addenda et Corrigenda**

Pages 42, 50, 58, 66 : “ Members of the Commission ”, Class 1931 : substitute “ M. Neveu-Lemaire ” for “ N. Neveu-Lemaire ”.

Page 80, paragraph 4, line 4 : Between the word “ a ” and the word “ earlier ” insert the words “ substitute for a ”.

Page 188, Note 3, first line of title : Between the word “ from ” and the word “ scope ” insert the word “ the ”.

Page 287, Note 6, line 3 of title : Delete the comma before the word “ was ”.

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*Note* :—The early records of the International Commission on Zoological Nomenclature were destroyed many years before the decision taken in 1939 that records relating to matters dealt with by the Commission in its *Opinions* should in future be bound up in volumes for permanent retention in its archives (1943, *Bull. zool. Nomencl.* **1** : 73—74). The information given here is therefore inevitably very meagre. No information at all is available as to the origin of the applications dealt with in *Opinions* 1—5, 7, and 9. Nor is there any information available as to the origin of the applications dealt with in *Declarations* 1—9.

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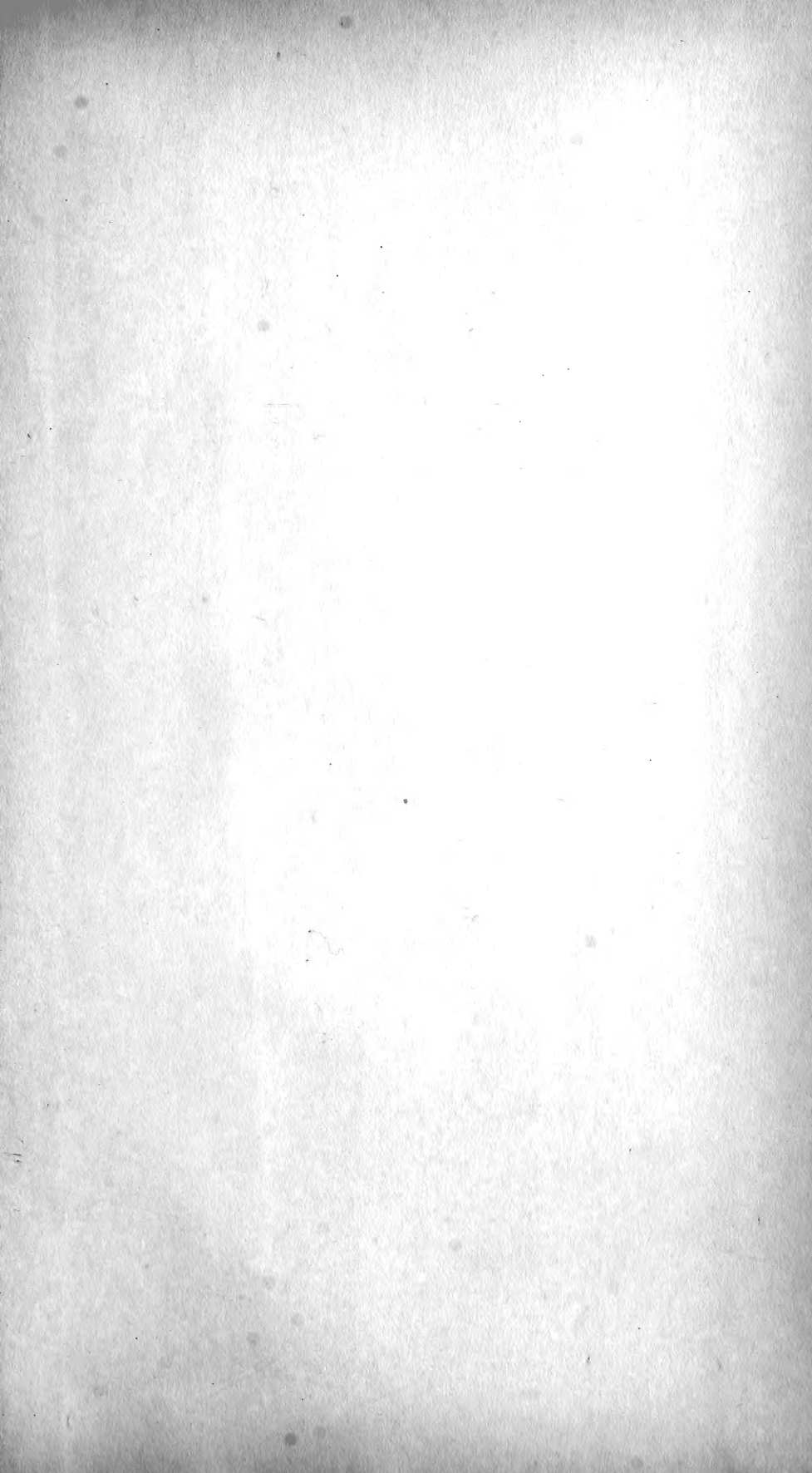
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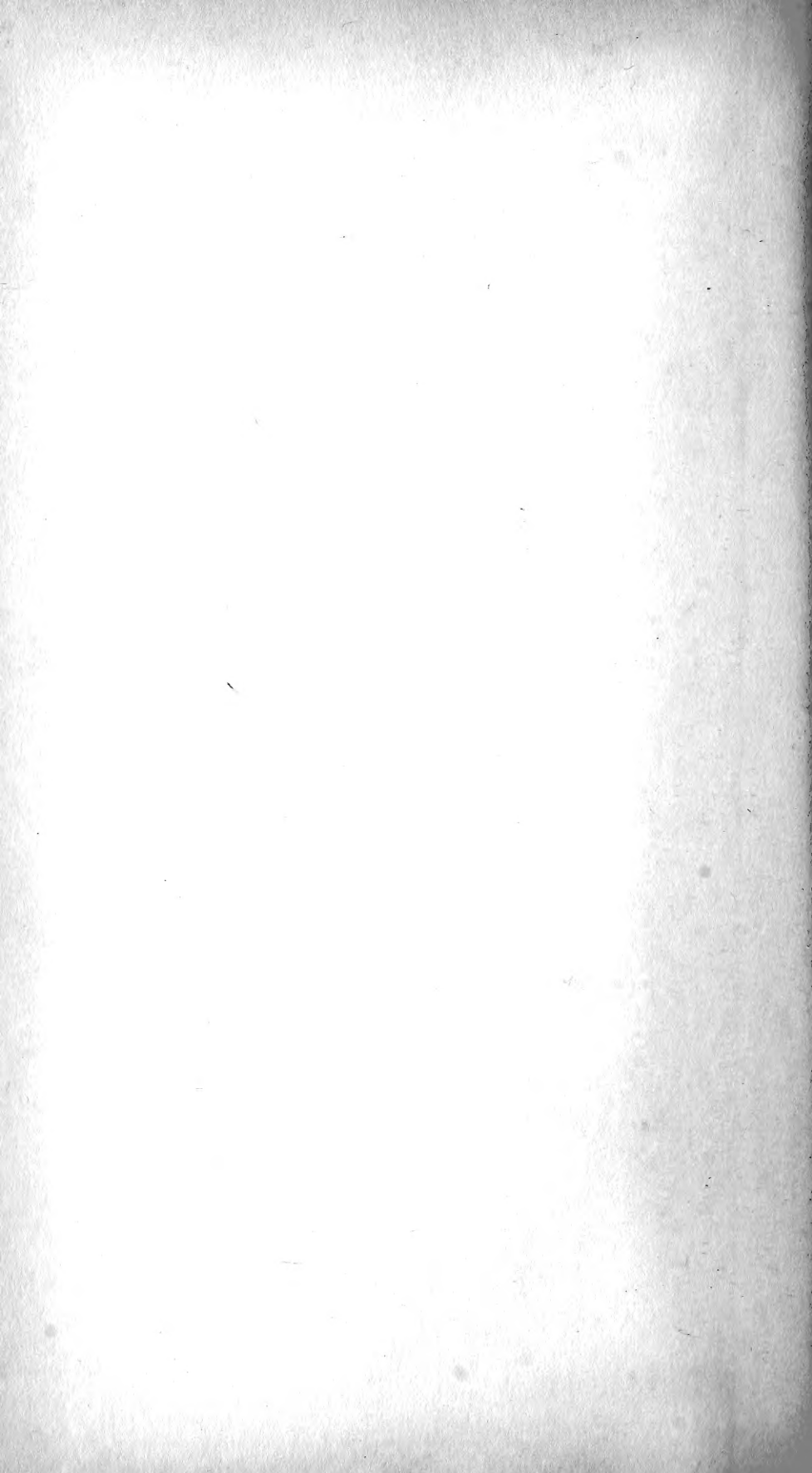
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